

6 AUGUST 1947

I N D E X  
of  
WITNESSES

Defense' Witnesses

Page

HASUMI, Yasushi

25047

Direct by Mr. Logan

25047

(Witness excused)

25052

6 AUGUST 1947

I N D E X  
Of  
EXHIBITS

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Wednesday, 6 August 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE STUART McDOUGALL,  
Member from the Dominion of Canada; HONORABLE JUSTICE  
I. M. ZARAYANOV, Member from the USSR; and HONORABLE  
JUSTICE E. H. NORTHCROFT, Member from the Dominion of  
New Zealand, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



K 1 MARSHAL OF THE COURT: The International  
n 2 Military Tribunal for the Far East is now in  
a 3 session.  
p 4

& 5 THE PRESIDENT: I would like to point out  
Y 6 that the Member ~~from~~ China was present during the  
e 7 whole of the day yesterday. He was present at all  
l 8 sessions. The record suggests otherwise.  
d 9  
e 10  
n 11

Mr. Logan.

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1 MR. LOGAN: If the Tribunal please, we  
2 next offer in evidence defense document 1745, an  
3 excerpt from the Official Gazette of August 3rd,  
4 1937. This document sets forth the speech of Mr.  
5 KOGURE on the introduction of the Bill Concerning  
6 Adjustment of Foreign Trade before the House of  
7 Representatives on August 2nd, 1937.

8 THE PRESIDENT: Admitted on the usual  
9 terms.

10 CLERK OF THE COURT: Defense document 1745  
11 will receive exhibit No. 2783.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 2783 and received in evidence.)

15 MR. LOGAN: I will now read exhibit 2783,  
16 "Shorthand Records of the Proceedings of the House  
17 of Representatives in the 71st Session of the  
18 Imperial Diet," August 2, 1937.

19 "The Government Delegate (Mr. KOGURE,  
20 Budayu):

21 "I shall explain the reason for the Bill  
22 Concerning Adjustment of Foreign Trade and its  
23  
24  
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1 related Industries which comes foremost of the four  
2 bills now placed on the agenda. It goes without  
3 saying that to expect our national economic develop-  
4 ment, it is necessary to plan for the expansion of  
5 foreign trade. As you all know, fortunately our  
6 trade in these past years has continued comparatively  
7 favorably. However, measures taken lately by  
8 foreign countries for preventing our goods from being  
9 imported is a situation not easily pacified. Under  
10 these circumstances in order to plan for the  
11 maintenance and development of our foreign trade,  
12 it is necessary to have preparations made so as to  
13 quickly establish effective and appropriate measures  
14 in preventing or pacifying these preventative  
15 measures as much as possible by considering the  
16 various conditions of the country concerned. More-  
17 over in viewing the present foreign and domestic  
18 situations our situation necessitates amplification  
19 of productive power, and for this purpose, we must  
20 bring about an increase in importing a great deal of  
21 necessary raw materials, etc., and international  
22 transactions do not by any means permit a situation  
23 of optimism. Moreover, the necessity for planning  
24 in conformity with international transactions is  
25 originally to necessitate the supply of important

1 commodities properly. In achieving these purposes,  
2 the application of control to both the importing  
3 and exporting becomes necessary and as a result the  
4 adjustment of interests of industries concerned is  
5 also necessary. The government, however, in  
6 bringing this about, would like to enforce it as  
7 much as possible as the autonomous control of the  
8 firms concerned. In the event the control of  
9 foreign trade becomes necessary, or in regards to  
10 the control already enforced, if there arises a  
11 clash in interests between foreign trade groups  
12 and that of the domestic industries trade, we would  
13 like to enforce it so that it would open a way  
14 towards a policy of adjusting interests, or autono-  
15 mous control by the firms concerned in an appropri-  
16 ate way. In the event the firms concerned are not  
17 able to autonomously enforce these policies, and  
18 the government particularly recognizes its neces-  
19 sity, then we would like to open a way so that the  
20 government can order its enforcement for the entire  
21 firms concerned with the approval of the authorita-  
22 tive investigation organ. Moreover recently, since  
23 the foreign and domestic economic situation is un-  
24 stable, there may arise a case where it is unable  
25 to wait for the enforcement of the autonomous



1 control of the firms concerned as in the above,  
2 and we can also expect a case of insufficiency in  
3 their control. In these circumstances, the govern-  
4 ment still would like to open a way so that it can  
5 limit or prohibit the import and export with the  
6 approval of the authoritative investigation organ.  
7 As this is a bill relating to the adjustment of  
8 industries concerned and the foreign trade, it is  
9 originally a temporary measure to cope with the  
10 pending international situation; therefore its  
11 effective period has been limited to five years.

12 "Secondly, I shall explain the reason for  
13 the trade guilds and its proposals. The government  
14 has heretofore, along with adequate measures, and  
15 the Employment of Export Association System, en-  
16 forced for instance, the joint-enterprises in  
17 investigation, development, etc. of foreign markets,  
18 and the control of export in compliance with the  
19 foreign situations, and in this manner has continued  
20 to this day by planning for the expansion of export  
21 trade. However, summoning the actual results of  
22 the employment of the Export-Guilds, it is  
23 recognized, at this instance, the necessity for  
24 continued adjustment of export control mechanism.  
25 For example, in order to enforce export control

1 without delay by coping with the impending over-  
2 seas conditions there are circumstances where the  
3 voluntary establishment of the guild cannot be  
4 awaited. In those circumstances it is necessary  
5 for the government to be able to order coercive  
6 establishment, and actually it is also necessary  
7 that there will be no gap in the control upon the  
8 extension of the sphere to which the control of  
9 the guild is to be exercised. And on the other  
10 hand, in the case of import trade, we have come to  
11 systematize the import trade by newly establishing  
12 an import guild system as it was necessary to en-  
13 force control on import in order to restrict import  
14 from some countries, and also to have import goods  
15 markets dispersed from the standpoint of trade  
16 adjustments, national policy for raw materials, and  
17 others. And towards those countries reciprocating  
18 trade by requesting the buying of goods of their  
19 country, through the mutual cooperation of the  
20 import and the export guilds, it is necessary to  
21 also enforce joint undertakings of opening the  
22 market, etc. together with planning for the purchase  
23 of goods of that country. Furthermore, in order  
24 to plan for the liaison, development, and propaga-  
25 tion of the federation of the import and export



1 guilds, it is necessary to establish a central  
2 society of the trade guilds. This bill was  
3 legislated for these purposes and the present  
4 export guild law is intended to be abolished.

5 "Next I shall explain the reasons for the  
6 proposal of a bill for the amendment of the  
7 Industrial Guilds Law. Upon observing the condi-  
8 tions of the medium and smaller scale industries of  
9 our country, the greatest defect lies in the manu-  
10 facture and sale of salt where the non-control and  
11 disorder of industrial circles originates. This is  
12 a matter of great import where it eventually  
13 impedes the development of trade. These evils are  
14 gradually being reformed through the development of  
15 the industrial guild system, but as there is a  
16 regrettable point in connection with the method of  
17 securing control, we recognized the need for planning  
18 this arrangement. Particularly since, in the recent  
19 situation of international trade, as I have already  
20 mentioned, there is an urgent nature of securing  
21 the import and export control. Therefore, in order  
22 to plan for the smooth enforcement, an appropriate  
23 system is necessary for control on the part of the  
24 industrialists concerned in coping with the trade  
25 control. Hence, at this juncture, by realizing

1 afresh the industrial guild system which makes  
2 control its principal, together with expanding the  
3 applicable sphere of the industrial guild law, we  
4 shall devise a method of securing control and the  
5 amplification of the industrial guild control  
6 system. At the same time, together with this, we  
7 here are planning an appropriate control to cope  
8 with the present actual situation of industrial  
9 economy by arranging the industrial guild system  
10 such as supplementing the superintendence regula-  
11 tions toward the industrial guilds."

12 We offer in evidence defense document 1746  
13 which is an extract from the Official Gazette  
14 setting forth the stenographic record of statement  
15 of Government Commissioner OTA on the Gold Produc-  
16 tion Law which was introduced on August 5, 1937,  
17 and seven other bills.

18 THE PRESIDENT: Admitted on the usual  
19 terms.

20 All that is of value in these documents  
21 could be reduced to a few lines, and we have to  
22 listen here to the whole of this meandering stuff.

23 MR. LOGAN: I only have about seven more,  
24 your Honor.

25 CLERK OF THE COURT: Defense document 1746



1 will receive exhibit No. 2784.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 2784 and received in evidence.)

5 MR. LOGAN: Exhibit 2784, "Stenographic  
6 Records of Proceedings of the House of Peers," held  
7 on August 5, 1937.

8 "Government Commissioner OTA, Masataka,  
9 --- I will explain the government intention in  
10 proposing the Bill of the Gold Production Law and  
11 seven other bills now under discussion. First, I  
12 will begin with the Bill of the Gold Production Law.

13 "In view of the present circumstances at  
14 home and abroad, there is a pressing need to im-  
15 prove and adjust the international trade of Japan.

16 "In order that this may be successfully  
17 carried out, I think we must first increase the  
18 national output of gold and concentrate it in the  
19 hands of the government, and thus enhance the  
20 nation's paying power in foreign trade and at the  
21 same time consolidate the foundation of the gold  
22 reserve. The government has been endeavoring to in-  
23 crease and concentrate the domestic production of  
24 gold by frequently raising the price of gold to be  
25 purchased by the Bank of Japan. Nevertheless, we

1 are facing the necessity of more intensive produc-  
2 tion of gold. At present, however, taking a step  
3 further, the government deems it necessary in the  
4 future to place the whole process of gold produc-  
5 tion, up to the final refinement, under government  
6 supervision, in order to attain the aim of con-  
7 centration. As for domestic demands for gold, the  
8 government is planning to take adequate measures to  
9 meet the demands, provided that these demands are  
10 just and well-grounded. As for the melting down of  
11 gold articles we are not intending to change the  
12 present regulations. But I think it is reasonable  
13 that, if necessary, a certain restriction should be  
14 laid upon the use of gold. The government will  
15 supervise the industry of gold production on one  
16 hand. On the other hand, however, it should en-  
17 courage entrepreneurs to produce more gold, by means  
18 of government protection and assistance, by grant-  
19 ing subsidies for discovery of new mines or of  
20 plants and refineries etc., within the limits of  
21 the budget, or by granting exemption from import  
22 taxes on tools and machinery which are needed. It  
23 is for the above reasons that this bill has been  
24 proposed.

25 "Next I shall explain the Bill of the



1 Gold Reserve Revaluation Law. The gold to be  
2 reserved as guarantee of our convertible banknotes,  
3 the banknotes of the CHOSEN Bank and those of the  
4 TAIWAN Bank is at present valued at the rate of one  
5 yen per 750 milligrammes of pure gold, according  
6 to Article II of the Currency Law, notwithstanding  
7 the fact that the current price of gold has risen  
8 remarkably. Therefore it will be a fit measure to  
9 revalue the gold kept as the reserve fund at a price  
10 near the international current quotation so that the  
11 gold reserve fund may be valued at its actual  
12 quotation. By this bill, however, we only intend  
13 to adjust the price of gold to be appropriated as  
14 the reserve fund, because we don't think the time is  
15 yet ripe for us to revise the Currency Law, and to  
16 determine the value of our currency through devalua-  
17 tion. Accordingly, we intend to revalue the yen at  
18 the rate of 290 milligrammes of pure gold per yen,  
19 leaving ten per cent of the current price in reserve.  
20 Surplus sums accruing from the revaluation to the  
21 Bank of Japan, the CHOSEN Bank and the TAIWAN Bank  
22 will be transferred to the government, and a special  
23 fund will be established with these surplus sums to  
24 be managed under a special account, as will be  
25 shown later. A part of the gold bullion held by

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1 reason of the necessity for creating a special  
2 account for this reserve fund revenue, the expendi-  
3 ture of which must be distinguished from that of the  
4 general account."  
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1 We now offer in evidence defense document  
2 1723 which is an excerpt from the Official Gazette  
3 of September 5, 1937 recording the speech of Mr.  
4 YOSHINO, Shinji, Minister of State, explaining the  
5 bill relating to imports and exports at the time it  
6 was introduced in the Diet.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 1723  
9 will receive exhibit No. 2785.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 No. 2785 and received in evidence.)

13 MR. LOGAN: I shall now read exhibit 2785,  
14 excerpt from the shorthand records, House of Repre-  
15 sentatives, September 5, 1937:

16 "State Minister (Mr. YOSHINO, Shinji): "With  
17 regard to the bill under discussion, which is the 8th  
18 item on today's agenda, I shall now explain the reasons  
19 why we propose it.

20 "In view of the development of the present  
21 incident, it is self-evident that we must mould our  
22 economic and industrial system into a form suitable to  
23 the present emergency. Especially, since there is a  
24 vast demand for the materials which are necessary for  
25 military and national defense purposes and for various



1 branches of industry which are vital to the present  
2 emergency, we must make efforts to supply these  
3 materials fully and smoothly. However, due to the  
4 present condition of our national resources, there are  
5 not a few materials which must be imported from for-  
6 eign countries to meet the imminent demand. Then  
7 there arises the necessity, in view of our international  
8 trade balance, to increase the import of necessary  
9 materials by means of a curb on export of materials  
10 and a curb on import not only of materials which are  
11 not needed vitally but also of those which are useful  
12 more or less to our national industry. This is the  
13 reason that this bill provides that the Government pro-  
14 hibit or restrain the export and import as occasion  
15 demands. And if we were to place the import of mater-  
16 ials under control without taking any special measure,  
17 the movement of the national economy would suffer great  
18 difficulties, due to unreasonable rise of prices and  
19 insecurity of supply, etc. Therefore this bill pro-  
20 vides that the Government may, as occasion calls, take  
21 proper measures in the case the materials which need  
22 regulation in connection with the supply and demand  
23 for them.

24 "The above mentioned are the two key points  
25 of this bill. Inasmuch as the working of such a law

1 will vitally affect our national industries, we hope  
2 that in enforcing it, we shall be favored with the  
3 fullest cooperation of all those concerned and that  
4 we shall be able to take measures most suitable to the  
5 actual condition of our industries and trades in order  
6 to attain our aims.

7 "Further, this bill was drafted temporarily  
8 only for the present emergency, and if the emergency  
9 is terminated, the bill is to be abolished as soon as  
10 possible. I hope you will approve it after fully  
11 examining it."

12 We next offer in evidence defense document  
13 1751, an excerpt from the Official Gazette of September  
14 6, 1937. This document sets forth the speech of Mr.  
15 NAGAI, Minister of State, before the House of Repre-  
16 sentatives on September 5, 1937, concerning the bill  
17 for the temporary control of shipping.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Defense document 1751  
20 will receive exhibit No. 2786.

21 (Whereupon, the document above  
22 referred to was marked defense exhibit  
23 No. 2786 and was received in evidence.)

24 MR. LOGAN: We now read exhibit 2786, being  
25 stenographic record of proceedings in the House of



Representatives on September 5, 1937:

1 "Minister of State (NAGAI, Ryutaro): I  
2 should like to make a brief explanation of the reason  
3 for presenting the bill for the temporary control of  
4 shipping which had just come up for discussion. It  
5 goes without saying that the marine transportation  
6 industry hold an extremely important position not only  
7 from the standpoint of economics but also from one of  
8 national defense; especially in case of a war or time  
9 of emergency it grows increasingly important. With  
10 the gradual aggravation of the situation due to the  
11 outbreak of China Affair in July, many vessels of our  
12 country have come to be commandeered for military  
13 purposes. This meant a severe increased oppression on  
14 shipping circles in our country which has always suf-  
15 fered from a shortage of vessels; consequently it was  
16 anticipated that if this condition were to be left as  
17 it was, it would cause a considerable disturbance in  
18 shipping assignments and the freight market. So the  
19 Government, as an emergency measure, authorized for  
20 coastwise trade with our country foreign ships and  
21 those ships registered in the Kwantung leased territory  
22 with a view to balancing supply and demand of coastal  
23 ships, while the Government urged the industry to re-  
24 strain themselves and had them make every possible  
25

1 effort to rationalize shipping assignments so that they  
2 might voluntarily prevent a sudden rise in the freight  
3 market. The Government has thus made its utmost ef-  
4 forts to minimize its possible effect upon economic  
5 activity. At present the interests concerned, in  
6 accordance with the Government's intention, are en-  
7 deavoring, in close cooperation, to accomplish their  
8 mission. But in case the present situation continues  
9 for a long time or worsens, we can never be sure that  
10 there will be no apprehension that the unity of the  
11 industry might be endangered and unexpected diffi-  
12 culty caused in the fields of economy of national  
13 defense. Under these circumstances the Government has  
14 presented the foregoing bill to exercise proper super-  
15 vision over the shipping industry of our country so as  
16 to cope with any difficult situation whatsoever which  
17 might come in the future and for the successful oper-  
18 ation of the shipping business along the lines of  
19 national necessity in the present emergency, such as  
20 transportation of staple goods, control of prices or  
21 maintenance of the right of overseas navigation. But  
22 it is a matter, of course, that in executing the said  
23 bill successfully, that the Government should make the  
24 best use of it with discretion, facing squarely the  
25 present state of the shipping business and in the



1 light of the actual conditions of the industry. On  
2 this point, the Government is now paying special  
3 attention."

4 We offer in evidence defense document 1797  
5 which is an excerpt from the Official Gazette of  
6 September 10, 1937 recording the law providing for  
7 emergency trading in rice which became effective  
8 December 1, 1937.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 1797  
11 will receive exhibit No. 2787.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 2787 and received in evidence.)

15 MR. LOGAN: I shall now read from exhibit  
16 2787. I shall only read Article 2 and Supplementary  
17 Law, Law Providing for Emergency Trading in Rice,  
18 September 10, 1937, effective December 1, 1937:

19 "Article II. Since the Government maintains  
20 a necessary amount of rice in connection with the  
21 China Incident, when it is especially considered  
22 necessary it shall be authorized, in accordance with  
23 the provisions set forth in the Imperial Ordinance,  
24 and after consultation with the Rice Control Committee,  
25 to purchase rice in case current prices are lower than

1 that which correspond to the rate of 'standard  
2 maximum prices' which are fixed by orders issued  
3 based upon the Rice Control Regulations. The purchase  
4 price of the above shall be decided in accordance  
5 with current prices. \* \* \*

6 "Supplementary Law. The date of enforcing  
7 this law shall be decided by an Imperial Ordinance and  
8 the law shall be abolished within a year after the  
9 China Incident terminates."

10 We now offer in evidence defense document  
11 1843 which is the Temporary Fund Adjustment Law  
12 No. 86 passed September 10, 1937 and effective Septem-  
13 ber 15, 1937 and September 27, 1937. I shall read only  
14 Article 1 and the supplementary provisions.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1843  
17 will receive exhibit No. 2788.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 2788 and received in evidence.)

21 MR. LOGAN: I shall now read from exhibit  
22 2788, the Temporary Fund Adjustment Law:

23 "(Article II was put into force on September  
24 15, 1937 and the remaining Articles were put into  
25 force on September 27, 1937.)



1 "Article 1. This Law is aimed at adjusting  
2 the use of domestic funds so as to conform to the  
3 demand and supply of commodities and funds in connec-  
4 tion with the China Incident."

5 And the supplementary provisions on page 8:

6 "The dates on which each Article of this Law  
7 will be put into force shall be determined by Imperial  
8 Ordinance.

9 "With the exception of Articles 14 and 15,  
10 this Law shall be repealed within one year following  
11 the cessation of the China Incident."

12 I now call the witness, HASUMI, Yasushi.  
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HASUMI

DIRECT

25,047

1 Y A S U S H I H A S U M I, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. LOGAN:

6 Q Will you tell us your name and address?

7 A HASUMI, Yasushi; 56 Nakadoji-machi, Suginami-  
8 ku, Tokyo City.

9 Q Will you examine defense document 1955 which  
10 is now being handed to you and tell us if that is your  
11 affidavit?

12 A Yes.

13 Q Are the statements contained in that affidavit  
14 true and accurate?

15 A Yes.

16 MR. LOGAN: I offer in evidence defense  
17 document 1955.

18 THE PRESIDENT: Brigadier Quilliam.

19 BRIGADIER QUILLIAM: May it please the  
20 Tribunal, the prosecution submits that this affidavit  
21 should be rejected in its entirety as being irrelevant  
22 and immaterial. It deals solely with the food problems  
23 of Japan and shows the steps taken to increase food  
24 production. It contains a mass of statistics. Appar-  
25 ently the conclusion is reached that Japan needs to



HASUMI

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1 import some food. The deponent goes back to the  
2 year 1926 and even earlier in his examination. It  
3 is submitted that if every statement in the affidavit  
4 were accepted as true, it should be rejected as being  
5 too remote to the issues in the case. In our sub-  
6 mission it is on exactly the same footing as the  
7 statistics and other material with respect to popula-  
8 tion that were submitted and rejected by the Tribunal  
9 earlier.  
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1 THE PRESIDENT: If it be relevant, the actual  
2 rice situation in Japan, the supply and the demand,  
3 over the years could be dealt with in a few lines  
4 and could be the subject of an admission by the parties.

5 MR. LOGAN: With regard to the statistics  
6 contained in the document, your Honor, I don't intend  
7 to read them to save time, except to refer to the  
8 totals and the statistics on page 3.

9 THE PRESIDENT: I understand that the whole  
10 affidavit is summed up in two paragraphs on page 5.  
11 The two paragraphs cover ten lines. Probably the  
12 truth is not contested.

13 MR. LOGAN: Which two paragraphs does your  
14 Honor refer to?

15 THE PRESIDENT: The one commencing, "The  
16 above explanation ..." and that following.

17 MR. LOGAN: Of course, the balance of the  
18 affidavit gives a background of the rice situation in  
19 Japan, which always has been important and very critical.  
20 I would be content to read the balance of page 5,  
21 commencing with that first paragraph, "The above  
22 explanation ..." I think we are all content  
23 with that.

24 THE PRESIDENT: Well, we admit the document  
25 to that extent.



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21 commencing with that first paragraph, "The above  
22 explanation ..." I think we are all content  
23 with that.

24 THE PRESIDENT: Well, we admit the document  
25 to that extent.

1 CLERK OF THE COURT: Defense document 1955  
2 will receive exhibit No. 2789.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 2789 and received in evidence.)

6 MR. LOGAN: I shall read exhibit 2789,  
7 deposition of HASUMI, Yasushi, commencing on page 5:

8 "The above explanation tells the fact that  
9 the food production in our country has been always  
10 lack of supply equal to her demand. Accordingly,  
11 our government has made great efforts for the improve-  
12 ment of agriculture, the improvement and enlargement  
13 of farms, the guarantee of farmers' reproduction costs  
14 by maintaining of the price of rice, main food in  
15 Japan, and so forth, and the government has obtained  
16 good results.

17 "Nevertheless, in spite of the government's  
18 great efforts for many years, the sufficient food  
19 production to feed out large population has not been  
20 successful.

21 "Therefore, the amount of shortage has been  
22 brought in from Korea and Formosa, as well as imported  
23 from abroad every year to supply the demand.

24 "The latest problem of food shortage has  
25 become more important under the circumstances of the



1 continuous dry weather in Japan proper and Korea in  
2 1939.

3 "The standard highest price of rice, regulated  
4 by the Control Law for Cereal, in December 1938, has been  
5 kept at the same price as that of the preceding year  
6 according to the low price policy, so that the appearance  
7 of cereal in markets became worse. Then, in 1939, the  
8 damage by draught in Japan proper created a shortage  
9 of the crops of rice. In addition to this the great  
10 draught in Korea decreased the supply more and more.

11 "In order to moderate this condition the  
12 government raised the standard highest price of rice  
13 to 38 yen on 25 August 1939. Nevertheless, as the  
14 influence of the draught became apparent and the supply  
15 condition did not improve, then the government made an  
16 effort by raising again the standard highest price of  
17 rice on 1940 for the rice year (beginning of November  
18 of preceding year, ending of October) to 43 yen, 5 yen  
19 higher than the former price, commencing of the rice  
20 year on 6 November 1939. But it was reported that the  
21 production in Korea might be 10,000,000 koku, less as  
22 the production in 1939 would be 14,078,842 koku and  
23 that of the preceding year was 23,484,867 koku.  
24 Furthermore, the consumption in Korea itself was  
25 gradually increasing, resulting in a great decrease of

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1 supply from there, thus the extreme shortage of food  
2 in Japan proper became serious.

3 "Under this condition, the only way to in-  
4 crease food supply was to import from abroad food  
5 supply by saving expenses on the one hand, an import  
6 plan through the cereal fiscal year was not fixed owing  
7 to the financial condition of the import fund. On the  
8 other hand, it was necessary to supply cereal by  
9 importing some portion divided into several periods  
10 through the fiscal year."

11 You may examine.

12 THE PRESIDENT: Brigadier Quilliam.

13 BRIGADIER QUILLIAM: We do not cross-examine,  
14 if it please your Honor.

15 MR. LOGAN: May the witness be released on  
16 the usual terms?

17 (Whereupon, the witness was  
18 excused.)

19 MR. LOGAN: We now offer in evidence defense  
20 document 1798, which is an excerpt from the Official  
21 Gazette of September 10, 1937, setting forth the  
22 Temporary Law Controlling Shipping. We shall read only  
23 Article 1 on page 1 and supplement on page 5.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 1798



1 will receive exhibit No. 2790.

2 (Whereupon, the document above  
3 referred to was marked defense exhibit  
4 No. 2790 and received in evidence.)

5 MR. LOGAN: We read from exhibit 2790:

6 "Temporary Law Controlling Shipping.

7 "Law No. 93 of 10th Sept. 1937.

8 "Effective 1st Oct. 1937.

9 "Art. 1. The purpose of this law is to  
10 regulate hereby maritime communications and traffic  
11 at large in connection with the China Incident."

12 And, "Supplementary Provisions.

13 "The date of enforcement of this law shall  
14 be fixed by an Imperial Ordinance.

15 "This law shall be abolished within a year  
16 after the China Incident terminates."

17 We offer in evidence defense document 1799,  
18 being the Law Relating to Temporary Measures Concern-  
19 ing Exports and Imports, promulgated on 10 September  
20 1937 and going into effect the same day. I shall read  
21 Article 1 and Supplementary Provisions.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1799  
24 will receive exhibit No. 2791.

25 (Whereupon, the document above

1 referred to was marked defense exhibit  
2 No. 2791 and received in evidence.)

3 MR. LOGAN: I now read exhibit 2791:

4 "Law Relating to Temporary Measures Con-  
5 cerning Exports and Imports.

6 "Law No. 92, promulgated on 10 September  
7 1937, and coming into force on the same day.

8 "Article 1. If particularly necessary for  
9 safeguarding the working of national economy in con-  
10 nection with the China Incident, the Government may,  
11 in conformity to order, restrict or prohibit the  
12 export or the import of the specified articles.

13 "Supplementary Provisions.

14 "This Law shall come into effect on the day  
15 of its promulgation. This Law shall be abrogated  
16 within one year after the termination of the China  
17 Incident."

18 We now offer in evidence defense document  
19 1726, which is an excerpt from the Official Gazette  
20 of January 26, 1938, recording the speech of Minister  
21 of State NAGAI at the time of the introduction of the  
22 four bills relating to state control of electric power.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: The book entitled,  
25 "The Stenographic Records of the House of .



1 Representatives, 73rd Session," in Japanese, will  
2 receive exhibit No. 2792 for identification only,  
3 and the excerpt therefrom, bearing defense document  
4 No. 1726, will receive exhibit No. 2792A.

5 (Whereupon, the book above re-  
6 ferred to was marked defense exhibit No. 2792  
7 for identification; and the excerpt there-  
8 from, being document No. 1726, was marked  
9 defense exhibit No. 2792A and received in  
10 evidence.)  
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MR. LOGAN: I shall read:

"Stenographic Records of the Proceedings in the House of Representatives, January 25, 1938.

"Minister of State, NAGAI.

"I would like to explain en bloc the purport of the four bills just presented relating to the projected state control of electric power. Electricity is not only indispensable to national life for lighting and heating purposes but also plays a very important part as a motive power for all industries, and at the same time as essential factor in the newly rising chemical industry which is growing more and more in importance both for national defense and industrial purposes. It is charged with no less important mission in agricultural and fishing communities to help increase productive capacity, promote subsidiary occupations and make up the shortage of labor through facilitating and increasing power supply, and thus contribute to stabilizing the living of people on the home front. The uses of electricity, as a public utility, are so manifold and extensive, and, as regards its supply it is so peculiarly monopolistic in nature, that matters relating to the development of electric power resources and its supply should not be determined from the standpoint of mere profit-making



1 or private economy. Appropriate plans for the  
2 development of this industry should be established  
3 from a national and public point of view, so as to  
4 meet the requirements of national defense, national  
5 economy and the people's livelihood. Such, I hold,  
6 should be the true spirit underlying the state policy  
7 concerning electric power supply. In our country at  
8 present, however, the electric industry is carried on  
9 for profit by many different companies independently  
10 from one another, and in addition, the conflict of  
11 interests among these companies grievously interfere  
12 with unity and coordination among themselves. The  
13 result is that their mission as a national and public  
14 utility is, in so far as their management is concerned,  
15 far from being executed satisfactorily. For this  
16 reason it is necessary that the electric industry  
17 should be placed under state control and conducted  
18 systematically and coordinately in accordance with a  
19 single directive will, so as to provide against war as  
20 well as for peace. And by doing so the electric  
21 enterprise can be, from their characteristic nature,  
22 carried on this way the most economically also.

23 "The Japan Electric Power Generation and  
24 Transmission Company (Nippon Hassoden Kabushiki Kaisha)  
25 is charged with an important mission to make effective

1 use of private capital and individual ability and to  
2 carry on its business under state control. It has  
3 been decided therefore that on one hand the company  
4 be accorded facilities for raising necessary funds,  
5 granted guarantee for payment of dividends, allowed  
6 reduction or exemption of taxes and given various  
7 other privileges necessary for the conduct of its  
8 business, while on the other it be subject to govern-  
9 ment supervision much in the same way as special  
10 companies of similar nature."

11 Defense document 1727 is offered in evidence.  
12 This is an excerpt from the Official Gazette of  
13 February 23, 1938, reporting Committeeman KOGURE's  
14 statement upon the introduction of the bill to promote  
15 the production of important minerals, in the House  
16 of Representatives on February 22, 1938.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 1727  
19 will receive exhibit No. 2792-B.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 2792-B and received in evidence.)

23 MR. LOGAN: I now read from exhibit No. 2792-B.

24 "Stenographic minutes of the proceedings in  
25 the House of Representatives on February 22, 1938.



"Government committeeman, Mr. KOGURE: Now,

1 I shall explain the reasons for the introduction of  
2 the Bill to Promote the Production of Important  
3 Minerals now in process of deliberation. It is hardly  
4 necessary to mention that mineral resources are most  
5 important from the viewpoint of national defense and  
6 industry, and therefore is of urgent necessity to  
7 promote the production of these resources in the cur-  
8 rent situation. Not a few important minerals have  
9 hitherto been imported from foreign countries, but  
10 fortunately from various surveys hitherto made, it is  
11 thought probable that these important minerals are  
12 still considerably underground in Japan as yet. It is  
13 indeed for the purpose of promoting their production  
14 that this bill has been introduced at this time.  
15 First of all, as a measure for attaining this purpose  
16 the government is going to urge mine owners who,  
17 though possessing mining rights at present, are remaining  
18 idle without exercising the same -- mine owners of the  
19 so-called sleeping mine areas -- to exercise the right,  
20 or to accelerate the adjustment of mine areas which  
21 exist together in a complex manner, thereby making mine  
22 owners of important mine areas submit a business plan  
23 for exploiting them, and furthermore, in case of  
24 necessity, take adequate measures to make facilities  
25

for promoting the production of such minerals.

1           "Next I shall explain the purport of the  
2 introduction of the bill to establish the Japan Gold  
3 Production Promotion Company now under deliberation.  
4 It goes without saying that it is necessary to promote  
5 the production of gold in our country. The government  
6 has therefore taken every effort for the encouragement  
7 and furtherance of various gold production since the  
8 7th year of Showa (1932). As you all know in the  
9 Imperial Diet before last, that is, the 71st Session  
10 of the Diet, simultaneously with the further expansion  
11 of facilities for encouragement for gold production,  
12 the government introduced the Gold Production Law which  
13 was passed. Fortunately the output of gold in this  
14 country has recently showed a favorable upward trend.  
15 The promotion of gold production in this country will  
16 become more important in the future in carrying out our  
17 national policy. From this point of view the govern-  
18 ment is hoping to make even further efforts towards it.  
19 At this juncture, therefore, in order to promote gold  
20 production, the government has planned to establish the  
21 semi-official Japan Gold Production Promotion Company.  
22 In this way the government is opening a way to amply  
23 supply the capital to this industry, to encourage the  
24 disposition of minerals of inferior quality and at  
25



1 the same time to have the company carry on various  
2 contributory businesses necessary in gold production.  
3 This bill is for the establishment of the above company."

4 I now offer in evidence defense document  
5 1738, which is an excerpt from the Official Gazette  
6 of February 25, 1938, recording a speech of Mr. SAITO  
7 with respect to the National General Mobilization Bill  
8 in the Diet on February 24, 1938.

9 THE PRESIDENT: What has happened to the wit-  
10 ness, EULURA, Kogoro?

11 MR. LOGAN: There has been a change made in  
12 his affidavit, your Honor, and the errata sheet has  
13 not come around yet, so we will put him on later this  
14 afternoon, if it is agreeable.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLEK OF THE COURT: Defense document 1738  
17 will receive exhibit No. 2792-C.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 2792-C and received in evidence.)

21 MR. LOGAN: I now read exhibit 2792-C.

22 "Stenographic minutes of the House of Represen-  
23 tatives, February 24, 1938.

24 "Mr. SAITO, Takao: The Sino-Japanese Incident  
25 has assumed serious proportions beyond our imagination.

1 Our policies of non-expansion principle and settlement  
2 on the spot were rendered useless immediately by the  
3 enemy's provocation. The situation since then has  
4 expanded almost incessantly by day and by month until  
5 at last it has led to the present state of affairs.  
6 Viewing matters from this present situation, we can  
7 by no means foretell the future of the incident. It  
8 must be considered as an extremely long way off before  
9 we can expect to see a complete restoration of peace  
10 in the Far East. Moreover, the incident is proving  
11 to be the source of all troubles, bringing about one  
12 wave of issue after another in succession and it has  
13 also caused some changes in the situation of the powers  
14 of the world.

15 "It is an undeniable fact that we are now  
16 finding ourselves in a very complicated and delicate  
17 international situation. Indeed our country's future  
18 is beset with great difficulties. On this occasion  
19 we must, above everything else, strengthen our national  
20 defense. For this reason we shall have to enforce a  
21 certain degree of control over personnel resources  
22 throughout the country in order to carry out the up-to-  
23 date intensification of national defense. And we  
24 shall also have the necessity of controlling material  
25 resources. From these requirements the government is



1 intending to enact the National General Mobilization  
2 Law. This intention of the government is really worth-  
3 while listening to."

4 I shall omit the next document.

5 Now we offer in evidence defense document 1729.  
6 This is an excerpt from the Official Gazette of  
7 March 11, 1938, reporting the statement of Committeeman  
8 KOGURE upon the introduction of the bill for the  
9 Machine Tool Industry in the House of Representatives,  
10 March 10, 1938.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1729  
13 will receive exhibit No. 2793.

14 (Whereupon, the document above  
15 referred to was marked defense exhibit  
16 No. 2793 and received in evidence.)

17 MR. LOGAN: I now read exhibit 2793.

18 "Stenographic Reports of Proceedings of the  
19 House of Representatives, March 10, 1938.

20 "Government Committeeman (Mr. KOGURE) will  
21 explain the reason for the introduction of the Machine  
22 Tool Industry Bill which has been just brought up for  
23 discussion. Needless to say, the machine tool indus-  
24 try occupies a most important position in industry as the  
25 basic industry of the general machine industry as well

1 as being an indispensable one for national defense  
2 reasons; and its development is of great significance  
3 for national defense and industry. But the fact is  
4 that the machine tool industry in Japan has been  
5 developed but recently and there are many regrettable  
6 defects from the point of the manufacturing ability  
7 and manufacturing techniques. That is, it is an  
8 undeniable fact that not only are there many machine  
9 tools whose manufacture would be difficult in this  
10 country but generally the capacities of domestic  
11 manufactured machine tools are considerably inferior  
12 to those of foreign goods, and every year, Japan  
13 depends on overseas import for a large quantity of  
14 machine tools.

15 "So that although the necessity of promotion  
16 of this industry has hitherto been keenly felt, I  
17 think the firm establishment of this industry is the  
18 most pressing need of the hour, especially in view of  
19 the present situation. As a policy of the establishment  
20 of machine tool industry, it is necessary to take  
21 various proper plans to encourage and to promote the  
22 producing capacity in conformity with the character  
23 of this industry. Also in order to expect the steady  
24 development of this industry, it would be most proper  
25 to contribute to the improvement of the techniques of



1 this industry by placing management on a rational  
2 foundation by adequate guidance and control.

3 "The reason for the introduction of this bill  
4 is as generally mentioned above."

5 We offer in evidence defense document 1749,  
6 which is an excerpt from the Official Gazette of  
7 March 18, 1938, recording statement by Prince KONOYE  
8 in the House of Peers on March 17, 1938, with respect  
9 to the National Mobilization Bill.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1749  
12 will receive exhibit No. 2794.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 2794 and received in evidence.)

16 MR. LOGAN: I now read from exhibit 2794.

17 "Minutes of the House of Peers, the 73rd  
18 Session of the Imperial Diet No. 25."

19 THE PRESIDENT: Could you condense this?

20 MR. LOGAN: I don't think I could very well,  
21 your Honor.

22 "March 17, 1938.

23 "State Minister (Prince KONOYE): I will  
24 explain the reason for introducing the National  
25 Mobilization Bill which is now the subject under

1 discussion. The so-called contest of national power  
2 characterizes modern warfare. In order to attain the  
3 war objective, the efforts of a nation's army and navy  
4 must be accompanied by a complete national mobilization  
5 setup. In other words, in the event of war or an  
6 incident similar to war, all available resources, both  
7 material and mental, must be mobilized, not only to  
8 replenish the munitions of war but also to secure the  
9 national life and render smooth all national activities  
10 necessary for the prosecution of war and thereby give  
11 full and effective play to total power of the nation.  
12 This is an indispensable condition to win the victory.  
13 This bill has been drafted in consideration of these  
14 facts and provides a basis which would enable the  
15 government to take the necessary measures in case of  
16 war or an incident similar to war. The general  
17 principles of the authority of the government which  
18 requires, when necessary, a declaration of a state of  
19 wartime, may generally be arranged beforehand along  
20 with the progress of the preparatory work in connection  
21 with national general mobilization if such a basis  
22 has already been laid.  
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"Therefore, we consider it to be proper to establish the general principles after obtaining the approval of the Diet, so that the Government may be enabled, within the scope of the provisions, to take such emergency measures as would be consonant with the actual demands of the wartime situation. It is my belief that a previous understanding of a people of the manner in which the exercise of the State's authority is to be carried out with respect to national general mobilization will not only contribute to expediting the progress of preparations for national mobilization but is also necessary in facilitating the voluntary cooperation of the people in the event of an emergency and in rendering effective the enforcement of laws and regulations. Considering, especially, the state of our resources as well as our lack of experience in national mobilization, we feel keenly the necessity of enacting this law. As to existing laws on national mobilization, we have the Munitions Industry Mobilization Law enacted in 1918. But the principal aim of this law is the mobilization of the domestic industrial power for the purpose of meeting the munitions requirements and, therefore, it is obviously, inadequate both in its purpose and the scope of its provisions, in attaining the purpose of

1 the national mobilization which I have already pointed  
2 out. Moreover, as regards the present China Incident,  
3 we are, for the moment, supplementing the deficiencies  
4 of the Munitions Industry Mobilization Law and taking  
5 other emergency measures on the basis of the various  
6 provisional laws with regard to which we previously  
7 obtained your sanction. However, in consideration  
8 of the possible eventuality of a situation which,  
9 according to developments, would necessitate greater  
10 national control, we regard it as a matter of urgency  
11 that this law be enacted. The contents of this bill  
12 are, on the whole, based on matters provided for in  
13 the Munitions Industry Mobilization Law and in the  
14 various provisional laws relative to the (China)  
15 Incident. That the bill, in its form, stipulates  
16 only the general principles and leaves the details to  
17 ordinances is due to the difficulty of arranging the  
18 details in advance, as its contents are subject to  
19 change according to the extent of the situation.  
20 From the very nature of war, it is necessary to take  
21 prompt and proper measures in conformity with the  
22 changes of wartime situation. Moreover, we do not  
23 consider it advisable to make public the details of  
24 these measures before they are formulated from the  
25 standpoint of preserving secrets pertaining to



1 national defense. This bill, furthermore, also con-  
2 tains provisions which are applicable in peacetime.  
3 This is because these matters require peacetime  
4 preparations and, at the same time, are also indis-  
5 pensable in wartime. All items of the provisions of  
6 this bill are closely related to one another and  
7 form a single, overall structure of national mobil-  
8 ization. The contents of this bill relate to such  
9 matters as personnel, installations, funds, etc.,  
10 and have a strong relationship with the people's  
11 livelihood. It is a matter of the utmost importance  
12 therefore, that it be applied and enforced properly.  
13 The very fact that special provisions have been  
14 created for a deliberation council indicates the  
15 bill's intention to ensure proper enforcement. In  
16 short, national mobilization can obtain its desired  
17 results only by the united cooperation of the whole  
18 nation based upon the sense of patriotism of the  
19 people. The Government has hereby introduced the  
20 bill, because we realized, in view of the situation,  
21 the need of providing a legal basis for the enforce-  
22 ment of national mobilization."

23 THE PRESIDENT: What is the purpose of this  
24 speech?  
25

MR. LOGAN: I beg your pardon?

1 THE PRESIDENT: That speech doesn't help  
2 any of the accused, does it? It is just a wartime  
3 speech, simply.

4 MR. LOGAN: We are accused, your Honor, in  
5 the Indictment and charged with the preparation and  
6 planning of an aggressive war for the China Incident  
7 and for the Manchurian Incident. Here, apparently,  
8 for the first time, the mobilization law was passed  
9 after both of those incidents had occurred.

10 THE PRESIDENT: Within two months after the  
11 incident occurred, you have the Japanese Parliament  
12 legislating, obviously, for a long war. That is the  
13 whole effect of the legislation you have tendered  
14 this morning.

15 MR. LOGAN: It certainly demonstrates, your  
16 Honor, that -- this legislation demonstrates that  
17 there was no preparation for these wars, and this  
18 legislation was passed after they had started.  
19 Furthermore, your Honor, it will be shown later on  
20 in this proof that other nations in the world were  
21 doing the same thing as Japan at this particular time.

22 THE PRESIDENT: I just want to know why you  
23 are tendering those documents. We would like to under-  
24 stand the purpose.

25 MR. LOGAN: I might also state that that



1 particular bill was passed in March, 1938, which was  
2 a considerable period of time after the start of the  
3 China Incident and more than three years before the  
4 start of the Pacific War. So, they could not have had  
5 that in mind at that time. I might also mention, for  
6 the Tribunal's information, that some of these bills  
7 and explanations which I have read this morning --  
8 you have probably noticed that they were only passed  
9 after the start of the China Incident and were only  
10 to be effective until one year after the China  
11 Incident, which is an entirely different interpretation  
12 put on them by our prosecution friends' witness,  
13 Liebert.

14 THE PRESIDENT: We are satisfied to know your  
15 purpose in tendering those documents. It is too early  
16 to debate these matters.

17 MR. LOGAN: Yes.

18 I might state for the Tribunal's information  
19 that in my commentary I do not state the purpose of  
20 the introduction of these documents. I think they  
21 speak for themselves. Any time the Tribunal wants to  
22 know why I am doing it, I will be glad to do it. I  
23 think it saves time this way.

24 THE PRESIDENT: It does, I agree with you.  
25

1 MR. LOGAN: We next offer in evidence  
2 defense document 1840, an excerpt from the Official  
3 Gazette of March 12, 1940. This document sets forth  
4 the speech of Mr. FUJIWARA, State Minister, con-  
5 cerning the Bill for Coal Supply Control Law before  
6 the House of Representatives on March 11, 1940.

7 THE PRESIDENT: Admitted on the usual terms.

8 MR. LOGAN: I wish to hold that up just a  
9 minute, your Honor. I skipped one document. I  
10 would rather offer them chronologically.

11 We offer in evidence defense document 1769  
12 which is an excerpt from the Official Gazette of  
13 March 18, 1939 and which records the speech of  
14 Minister YOSHIKI before the Diet at the time of  
15 the introduction of the bill for Light-Metals  
16 Manufacturing Industries.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 1769,  
19 being a book entitled "A Stenographic Record of the  
20 House of Representatives, 74th Session," in Japanese,  
21 will receive exhibit No. 2795 for identification only;  
22 and the excerpt therefrom, bearing the same defense  
23 document number, will receive exhibit No. 2795-A.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit



1 No. 2795 for identification; the excerpt  
2 therefrom being marked defense exhibit  
3 No. 2795-A and received in evidence.)

4 MR. LOGAN: I now read exhibit 2795-A, being  
5 the "Stenographic Record of the Proceedings of the  
6 House of Peers, March 17, 1939," Minister of State  
7 HATTA.

8 "I should like to explain the reason for  
9 introducing the bill for light-metals manufacturing  
10 industries which has just been laid before the House.  
11 Light-metals, that is, aluminum and magnesium, as  
12 materials for light alloys such as duralumin, are  
13 indispensable in the manufacture of aircraft, and it  
14 goes without saying that they are extremely important  
15 items in the consolidation of national defense.  
16 Apart from the requirements of national defense,  
17 aluminum and magnesium, as materials for various  
18 machines, instruments, and equipment, and also as  
19 substitutes for copper and other metals, are important  
20 for developing various industries. With the consolidation  
21 of national defense, in the future, the trend of demand  
22 for aluminum and magnesium should become increasingly  
23 greater. However, since our light-metal manufacturing  
24 industry was developed and in recent years, its  
25 present productive capacity is far from meeting the

1 current demand. In fact, Japan has been obliged  
2 to import a considerable amount of these materials  
3 every year. Ours is inferior to the same industry  
4 in European countries and America not only in out-  
5 put but also in both productive technique and  
6 quality of products, and it is to be regretted from  
7 the standpoint of a national defense industry that  
8 its weaknesses are not few. In the plan for raising  
9 productive capacity, which was recently decided by  
10 the present Cabinet, aluminum and magnesium were  
11 taken up as important objectives in this raising of  
12 productivity and we are expecting long strides to  
13 be taken in output. I think at this time that it is a  
14 matter of great urgency that we should establish and  
15 develop our light-metal manufacturing industry to such  
16 a level that the production can meet not only the  
17 domestic demand but also become so great that a  
18 considerable amount could be exported in peacetime,  
19 taking into consideration a shift in time of war, to  
20 the manufacture of munition materials. And I  
21 believe it is the pressing need of the moment  
22 that we should raise the level of productive technique  
23 as high as possible in an attempt to get it to  
24 compare favorably with the light-metal manufacturing  
25 industry in Europe and America. For attaining this, we



1 ought, in addition to granting various measures  
2 for protection and support for the light-metal  
3 manufacturing industry, to take adequate steps by  
4 way of encouragement in an attempt to raise the  
5 productive capacity, to exercise necessary guidance  
6 and control with a view to improving its productive  
7 techniques and management, and to secure the balance  
8 of supply and demand as well as the just and fair  
9 prices of aluminum and magnesium. In this connection,  
10 it is necessary for us to set up a special kind  
11 of corporation with all the manufacturers of the  
12 industry as members, to conduct a joint sale of  
13 aluminum and magnesium together with a control over  
14 their distribution, and at the same time to secure  
15 our enterprises so that they will be strong enough  
16 to compete with those in foreign countries. This  
17 is the main reason in substance for introducing this  
18 bill in the Diet. I sincerely wish you will fully  
19 deliberate on this bill and give your approval to it."

20  
21 We next offer in evidence defense document  
22 1840, an excerpt from the Official Gazette of March  
23 12, 1940. This document sets forth the speech of  
24 Mr. FUJIWARA, State Minister, concerning the Bill  
25 for Coal Supply Control Law before the House of  
Representatives on March 11, 1940.

1 THE PRESIDENT: Admitted on the usual terms.  
2 With regard to this speech, during the recess  
3 you may be able to condense it, Mr. Logan.

4 MR. LOGAN: All right, sir. Thank you.

5 THE PRESIDENT: We will recess for fifteen  
6 minutes.

7 (Whereupon, at 1045, a recess was  
8 taken until 1100, after which the proceedings  
9 were resumed as follows:)

10 THE PRESIDENT: Mr. Logan.

11 MR. LOGAN: I have cut that down to about  
12 eight sentences, your Honor, which I shall read as I  
13 go along,-- that is, Defense Document 1840.

14 THE CLERK: The book entitled "Stenograph-  
15 ic Records of the House of Representatives, 75th Sess-  
16 ion," in Japanese, will receive Exhibit No. 2796 for  
17 identification only, and the excerpt therefrom, bear-  
18 ing Defense Document No. 1840, will receive Exhibit  
19 No. 2796A.

20  
21 (Whereupon the document above referred  
22 to was marked Defense Exhibit 2796 for identifi-  
23 cation; and the excerpt therefrom, being marked  
24 Defense Exhibit No. 2796A, was received in evi-  
25 dence.)

MR. LOGAN: I shall now read portions of

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1 Exhibit No. 2796A, Stenographic Record of the Pro-  
2 ceedings of the House of Representatives, No. 24,  
3 75th Imperial Diet, Minister of State, Mr. FUJIWARA,  
4 commencing with the second line from the bottom of  
5 page 1: "Turning however to the actual demand-and-  
6 supply condition of coal in Japan, we cannot but  
7 note that while the demand for coal has been on a  
8 sharp increase since the outbreak of the China Incid-  
9 ent, the supply has been lagging far behind, due to  
10 many difficult circumstances at the mines."

11 Then skip two sentences, to the one beginning  
12 "Above all it is a matter of sincere regret regarding  
13 the coal supply to power plants and other industries  
14 the situation has come to such a critical stage as  
15 you all know well, menacing all fields of our nation-  
16 al life."

17 Now, the last paragraph on page 3, beginning:  
18 "For these purposes the Government is now studying  
19 measures to encourage extended development of mines,  
20 by granting, for example, subsidies for increased  
21 output or to newly developed mines. Expenditures  
22 for these measures are also prepared in the form  
23 of an additional budget. However, there are still  
24 questions that cannot be solved by such measures only."  
25

And on page 4, commencing with the second

1 sentence: "Unfortunately, however, the actual produc-  
2 tion conditions at the mines and the quality of coal  
3 produced does not always coincide with the above  
4 mentioned gradings."

5 On page 5, first paragraph: "Therefore,  
6 considering also the above mentioned requirements  
7 in controlling the supply of coal, the Government is  
8 now planning to establish a special central organiza-  
9 tion to monopolize the purchase and sale of coal."

10 And, again on page 5, the last three lines:  
11 "This is why the Government is planning for this pur-  
12 pose to establish by law the Japan Coal Co. Ltd.,  
13 which is to be a special company of semi-governmental  
14 and semi-popular character."

15 I now offer in evidence Defense Document  
16 1841, an excerpt from the Official Gazette of  
17 March 16, 1940, reporting the statement made by KATO  
18 at the time the bill relating to Synthetic Chemical  
19 Industries was introduced in the Diet on March 15, 1940.  
20 I may say, your Honor, that I have tried to cut this  
21 one down, but it covers so many different chemicals  
22 that it was impossible to do so.

23  
24 THE PRESIDENT: Admitted on the usual terms.

25 THE CLERK: Defense Document 1841 will re-  
ceive Exhibit No. 2796B.



1 (Whereupon, Defense Document 1841  
2 was marked Defense Exhibit No. 2796B, and  
3 received in evidence.)

4 MR. LOGAN: I shall now read from Exhibit  
5 No. 2796B, being an excerpt from the proceedings  
6 of the House of Peers, Marcy 15, 1940, a govern-  
7 ment bill relating to synthetic chemical industries,  
8 Mr. KATO speaking:

9 "Among the remarkable developments of our  
10 chemical industries in recent years, the technical  
11 progress in the Synthetic Chemical industry using  
12 acetylene gas and liquid gas as raw materials is  
13 especially conspicuous. Although these synthetic  
14 chemical enterprises have developed in comparative-  
15 ly recent years, they are very comprehensive in  
16 extent and rich in variety. A remarkable develop-  
17 ment is expected in this field as an important branch  
18 of our chemical industry. A country like ours which  
19 is lacking in natural resources depends a great deal  
20 on these synthetic chemical enterprise. Among those  
21 industries the manufacture of acetic acid, acetone,  
22 butanol and methanol has already been industrialized,  
23 but due to the marked increase in the demand after  
24 the outbreak of the present Incident, they have be-  
25 come confronted with the need of prompt increase of

1 production, but it cannot be said as yet that the  
2 basis thereof has been fully established. The funda-  
3 mental studies have become practically completed in  
4 regard to the manufacture of synthetic rubber, which  
5 is being discussed about recently; as well as regard-  
6 ing various kinds of high-grade alcohol which can  
7 become converted into high performance airplane fuel;  
8 also regarding benzol and triol (PHONETIC), which.  
9 are the essential constituents of explosive compounds,  
10 dyestuff and drugs; and on various synthetic resins  
11 which have special utility as substitutes for metals,  
12 glass and natural resins, and these items are on the  
13 verge of becoming industrialized shortly. Further,  
14 great hopes are entertained for the appearance here-  
15 after of synthetic fibres like nylon and other new  
16 organic compounds. As I have mentioned above, there  
17 are many materials among the organic compounds which  
18 are indispensable to national defense and industrial  
19 requirements. Therefore the promotion of these in-  
20 dustries is deemed as a truly urgent necessity of  
21 the moment. Moreover, as these organic compounds  
22 are closely connected with each other in the process  
23 of production it is considered extremely important  
24 and urgent to hit upon an over-all plan to promote  
25 the production of synthetic rubber, synthetic triol



1 and synthetic fiber -- which we are intending to  
2 industrialize -- together with acetic acid, acetone,  
3 butanol and methanol. But these organic compound  
4 industries need extremely complicated and high  
5 technique and laborious study concerning the method  
6 of synthesis and manufacturing equipment. Moreover  
7 they need large sums of capital for their industrial-  
8 ization so that they cannot be considered as profit-  
9 able investments at least in the beginning. On  
10 account of that, it is deemed that these industries  
11 cannot be developed to the expected degree without  
12 adequate protection and necessary guidance and con-  
13 trol by the Government. This Bill relating to the  
14 Synthetic Chemical Industry was drafted in accord-  
15 ance with the above object. The outline of this  
16 Bill is as follows: 1) The more important enter-  
17 prises in this field will be carried out only by  
18 those who are licensed by the government, in order  
19 to prevent the wanton establishment of such enter-  
20 prises, to make only those who are really able to  
21 conduct these enterprises from both technical and  
22 industrial viewpoints, and to make them attain the  
23 expected level of production. 2) As regards the  
24 manufacturing of organic compounds of special nation-  
25 al importance, those which are not yet industrialized

1 will be subsidized for their expenditure for test  
2 manufacturing, be granted manufacturing bounties,  
3 and be exempted from taxes. 3) The Government  
4 will restrict the import of materials likely to  
5 obstruct the consolidation of this industry, and  
6 will levy additional duty on them. It is hoped  
7 that this Bill will meet with your approval after  
8 thorough deliberation."



1 MR. LOGAN: We now offer in evidence defense  
2 document 500. This is a report of the United States  
3 Tariff Commission on the United States imports from  
4 Japan and their relation to the defense program and  
5 to the economy of the United States, and is dated  
6 September, 1941. This report is made of the principal  
7 commodities imported from Japan and shows the United  
8 States would be affected not at all by the cessation  
9 of imports from Japan.

10 THE PRESIDENT: Brigadier Quilliam.

11 BRIGADIER QUILLIAM: May it please the Tribunal,  
12 we object to this document, which, we suggest, is quite  
13 immaterial and irrelevant. As has been explained,  
14 this is one of the Tariff Commission publications, but  
15 this time it is concerned with the trade position in  
16 the United States and not in Japan. There is a long  
17 detailed examination of various industries in the  
18 United States to determine what the effect would be  
19 if imports totally ceased from Japan.

20 The subjects considered included silk prod-  
21 ucts, fish products, lily bulbs, bamboo sticks, pearl  
22 shells, and many others. The fact that the students  
23 came to the conclusion eventually that the total  
24 cessation of imports of that kind would not affect the  
25 defense program or the economy of the United States

1 is evidently regarded as something sinister. We are  
2 forced to assume that it is contended that an inquiry  
3 of this kind indicates the planning and preparation  
4 of the aggressive country the United States to wage  
5 war against the unfortunate victim Japan.

6 THE PRESIDENT: It is quite consistent with  
7 America thinking Japan was about to attack.

8 BRIGADIER QUILLIAM: Exactly, your Honor.

9 It is suggested by the prosecution that it  
10 does not assist this case in the slightest degree  
11 and that it does not even support the fantastic  
12 suggestion that America was preparing to attack Japan.

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: I have no desire to take up the  
15 Tribunal's time by reading a document of this kind.  
16 All I want the Tribunal to know is that such a report  
17 was made, after due investigation, and the conclusion  
18 reached was that the cessation of imports from Japan  
19 would not affect the United States at all. If they  
20 will concede that such a report was made and that that  
21 was the conclusion reached, I will withdraw it.

22 BRIGADIER QUILLIAM: May it please the Trib-  
23 unal, we respectfully suggest that we should not be  
24 asked to make an admission with respect to a patently  
25 immaterial matter.



1 THE PRESIDENT: You could admit the report  
2 was made and that that conclusion was reached, and  
3 also contend that the report and the conclusion are  
4 immaterial.

5 BRIGADIER QUILLIAM: We are prepared to do  
6 that, if it please your Honor.

7 THE PRESIDENT: That is a sensible attitude  
8 to take.

9 MR. LOGAN: On the materiality and relevancy  
10 of this, your Honor, I think it will become apparent  
11 in the next section we are about to present.

12 It is withdrawn.

13 We offer in evidence defense document 755.  
14 This is an official report of the United States Depart-  
15 ment of State, Research and Analysis Branch, and con-  
16 tains a comprehensive study and analysis of war pro-  
17 duction controls in Japan. This document will show  
18 beyond doubt that there was no economic preparation  
19 for war in Japan prior to the Liuchow Incident of 7  
20 July 1937, and that controls were adopted only when  
21 the strategic war time needs created urgent require-  
22 ments. This study also shows that even during the  
23 height of the Pacific War, even at that late date, the  
24 Japanese Government had not synchronized industry.  
25 Throughout the entire period the business men of Japan

1 had a large independent voice in the organization of  
2 that part of the economy required for war production.

3 I might say that this document comes from  
4 the same source as the document which we read yester-  
5 day with regard to shipbuilding and which was used by  
6 prosecution witness Liebert.

7 THE PRESIDENT: Is there anything to show that  
8 Liebert used any part of this document?

9 MR. LOGAN: I haven't been able to find that,  
10 your Honor. He may have.

11 THE PRESIDENT: If he had we would allow you  
12 to read omitted but connected parts, in accordance  
13 with the usual rule.

14 MR. LOGAN: I might say, your Honor, I only  
15 intended to read about the first eighteen pages and  
16 briefly refer to the laws which are attached to it  
17 from there on.

18 THE PRESIDENT: Is it an American publica-  
19 tion, from the Department of State?

20 MR. LOGAN: That is right, your Honor. It  
21 is admissible on that ground alone, because that is  
22 where it comes from.

23 THE PRESIDENT: I will have to hear Briga-  
24 dier Quilliam.

25 Brigadier Quilliam.



1           BRIGADIER QUILLIAM: May it please the Tribu-  
2           nal, we don't challenge the authority of the document.  
3           What we challenge is its materiality and relevance in  
4           this case. It is a voluminous document of fifty-five  
5           pages. The first seven pages deal with matters that  
6           are perhaps relevant except that they have already  
7           been sufficiently dealt with in various other parts  
8           of the case.

9           THE PRESIDENT: By the defense?

10          BRIGADIER QUILLIAM: By both sides, sir. It  
11          will be observed that on page 7 there commences an  
12          examination into Japan's wartime production control  
13          from 1941 to 1945, and in substance, the whole of the  
14          rest of the document is concerned with that subject.

15          When one comes to the appendices, commencing  
16          on page 21 --

17          MR. LOGAN: May I interrupt? I have already  
18          said with respect to this that I will only briefly  
19          refer to the laws; I don't intend to read all of it.

20          BRIGADIER QUILLIAM: We consider, if it  
21          please your Honor, it is our duty to draw attention  
22          to what has been reproduced in this document. Commenc-  
23          ing at page 21 there is reproduced, in more than seven  
24          pages, the provisions of the National General Mobili-  
25          zation Law, which have already been put into evidence

1 in exhibit 84. Commencing at page 24, there are more  
2 than sixteen pages dealing with the major industries  
3 association ordinance.  
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1 THE PRESIDENT: Mr. Logan said he desired to  
2 read only eighteen pages. What they were, I do not  
3 know. Perhaps there is not much difference between  
4 what you suggest and what he intends to do.

5 MR. LOGAN: In the first eighteen pages I  
6 said I would only briefly refer to the laws. I know  
7 that there are two of them already in evidence; I  
8 know that. I only intend to refer to the caption of  
9 the laws and the balance of the document.

10 THE PRESIDENT: A majority of the Court is  
11 in favor of allowing you to read the first seven and  
12 a half pages, but I cannot find a majority to agree  
13 you should read any more because it relates to matters  
14 during the war.

15 MR. LOGAN: The purpose of reading that part  
16 which relates to during the war is that it shows that  
17 even at that late date Japan had not synchronized its  
18 business for any war purposes which, of course, goes  
19 to the question of conspiracy. In addition, it also  
20 shows that during the entire period the independent  
21 business men of Japan had a large voice in the con-  
22 duct of the business of Japan, and it was not all  
23 controlled and centralized in the Japanese Government  
24 as the prosecution has contended.

25 THE PRESIDENT: The Court upholds the object-

1 ion except to the extent of the first seven and a  
2 quarter pages. To that extent the document is ad-  
3 mitted on the usual terms.

4 CLERK OF THE COURT: Defense document 755  
5 will receive exhibit No. 2797.

6 (Whereupon, the document above re-  
7 ferred to was marked defense exhibit No.  
8 2797 and received in evidence.)  
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1 MR. LOGAN: Exhibit 2797:

2 "Department of State. Interim Research and  
3 Intelligence Service, Research and Analysis Branch.

4 "Japanese War Production Industries.

5 "Part I. Development of War Production  
6 controls."

7 Dated "31 October 1945.

8 "During the World War I Japan fought on the  
9 side of the Allies. Although Japan's military acti-  
10 vities were limited, state expenditures were high (in-  
11 creasing from 668 million yen in 1913 to 1,591 million  
12 yen in 1921), and Japan entered a period of unprece-  
13 dented prosperity. This prosperity was a result of  
14 the marked decrease of imports of manufactured goods  
15 from Western powers, the rise of Japanese exports, the  
16 substantial increase in munitions supplied to the  
17 Allies, and the spectacular expansion of the Japanese  
18 merchant marine and shipbuilding industry due to the  
19 world-wide shortage of bottoms caused by the war. The  
20 sudden decrease of Western imports caused a rapid rise  
21 of new enterprises to replace them; this tendency was  
22 most conspicuous among the mining, machine and chemical  
23 industries.  
24

25 "3. The 'Manchurian Incident:' Encouragement  
by Subsidy and Legislation in the Recent Past.

1 Although a major Japanese aim during the Meiji era was  
2 to create a defense against foreign economic penetra-  
3 tion and internal disturbance, it was realized that,  
4 in addition to devoting a large part of the limited  
5 capital resources of the nation to the development of  
6 strategic industries, it was also necessary to support  
7 manufacturing industries which were expected to com-  
8 pete against foreign products domestically or in the  
9 international market.

10 "The textile industry was the most important  
11 of these export industries. In the first half of the  
12 1920's textiles accounted for over half of the factory  
13 employment and almost half of the value of factory  
14 production. Textiles began to decline in importance  
15 slowly after 1925; by 1929 the industry still accounted  
16 for half of factory employment and 40 per cent of the  
17 value of factory production. In the depression, pro-  
18 duction dropped sharply, but approximately the same  
19 proportion of employment was maintained until 1939.  
20 With some fluctuation, the textile industry's share of  
21 production continued to decline to about 30 per cent  
22 in 1935 and 20 per cent in 1939; thereafter the de-  
23 cline was even more rapid.

24 "Although the expansion of heavy industry has,  
25 of course, been closely related to the requirements



1 of the military services, the reorganization in the  
2 period previous to the China War of the Japanese in-  
3 dustrial structure, i.e., a marked shift from light to  
4 heavy industry, was also advocated to support the ex-  
5 port market. Japanese exports, the argument went,  
6 have consisted almost exclusively of the products of  
7 light industry, a large proportion of which have been  
8 shipped to China and other backward nations. Should  
9 these nations become industrialized, it is probable  
10 that light industries would be established first, thus  
11 substantially reducing the Japanese export market.  
12 Accordingly, it was recommended that Japanese industrial  
13 reorganizations in favor of heavy industry be carried  
14 out as the only means of enabling Japan to continue  
15 as an industrial nation.

16 "For several months after the outbreak of the  
17 China Incident (7 July, 1937), it is true, the Japanese  
18 economy remained ostensibly on a peacetime basis in  
19 practically all its aspects; wartime control measures  
20 were adopted only when strategic needs created urgent  
21 requirements.

22 "As a result of the operation of these control  
23 measures and the inflationary fiscal policies of the  
24 government, an increasingly large portion of Japan's  
25 resources was steadily diverted into the strategic in-

1 dustries, to the detriment of the home industries and  
2 the export trade.

3 "The export industries also suffered from in-  
4 creasing production costs and restrictions imposed in  
5 foreign markets against Japanese goods. By the end  
6 of 1936 the yen was beginning to depreciate. Since  
7 further depreciation of the yen would have increased  
8 the cost of the vast quantities of imported raw  
9 materials and machinery needed for the expansion of  
10 the heavy industries, the government in 1937 imposed  
11 import and exchange control measures designed to re-  
12 strict imports of 'non-essential' materials and con-  
13 serve Japan's foreign exchange reserves. Thus, even  
14 before the war it became obvious that Japan could not  
15 develop a 'war economy' and also trade in manufactured  
16 goods in keeping with the avowed program of her rulers.

17 "In order to develop industrial facilities  
18 vital to aggressive warfare, it was necessary to supply  
19 strategic industries with capital. The Temporary  
20 Capital Funds Adjustment Law of September 1937 was the  
21 first major step in this direction. Designed to channel  
22 the flow of new capital (and, therefore, materials),  
23 from non-essential to strategic industries, this act  
24 authorized the government to regulate the allocation of  
25 capital funds for the incorporation of new projects and



1 for capital increases and debenture issues of various  
 2 branches of industry. One result of the act was a  
 3 noticeably marked shift of funds to the munitions in-  
 4 dustry by the end of 1939. For the period from Sep-  
 5 tember 1937 to December 1939, permission had been ob-  
 6 tained and loans advanced for 8,330 million yen. Only  
 7 7 per cent of this sum went to 'C' class or non-urgent  
 8 enterprises. Investments for the principal industrial  
 9 categories in 1939 are presented in summary form in  
 10 the following table:

11 "Table I. Investments Authorized under the  
 12 Temporary Capital Adjustment Law in 1939. (In million  
 13 yen).

14	"Mining	: 587
15	"Manufacturing	2,724
16	"Agriculture	10
17	"Fishing	13
18	"Transportation	499
19	"Commerce	42
20	"Miscellaneous	<u>337</u>
21	"Total	4,214

22 Various percentages are also set forth.

23 "This shift did not mark a radical point of  
 24 departure in Japan's industrial life; it was a part of  
 25 a well-defined trend. The 'national defense' indus-

1 tries in 1931, accounted for only 34.6 per cent of all  
2 promotion capital (including capital in new establish-  
3 ments, capital increase, and debenture issues), with  
4 the 'non-defense' industries accounting for as much as  
5 65.4 per cent. By 1935 there was already a marked  
6 increase in the proportion of capital investment in  
7 heavy industries. In 1937 the position of 'national  
8 defense' and 'non-defense' industries was reversed  
9 as compared with 1931, the former accounting for  
10 61.7 per cent of the whole and the latter for 38.3  
11 per cent. High Japanese officials not only reported  
12 a trebling in the value of output of heavy industries  
13 in the 1931-35 period, but also claimed in 1942 that  
14 the productive capacities of the metal and machinery  
15 industries had increased thirteen and eleven times  
16 respectively over the levels of 1931.

17 "Something of the effect which this trend  
18 must have had on Japan's consumption, economy, and  
19 industry may be learned from a study of the relation-  
20 ship between military and total Japanese government  
21 expenditure. In proportion to Japan's total expendi-  
22 tures under the General Act and China Incident Special  
23 Act, total estimated military expenditure rose from  
24 47 per cent in the last pre-war year, 1936-37 to a  
25 peak of almost 75 per cent in 1937-38. The proportion



1 declined slightly (to 73 per cent) in 1939-40 and  
2 1940-41. A considerable relative rise was again  
3 scheduled for 1941-42. The proportion of total  
4 estimated military expenditures remained at about  
5 75 per cent for 1942-43 and 1943-44, and rose to  
6 about 80 per cent for 1944-45. Civilian consumption  
7 which absorbed over 40 per cent of the national in-  
8 come in 1941-42 accounted for under 20 per cent in  
9 1944-45.

10 "4. National General Mobilization Law of  
11 1938. The National General Mobilization Law was  
12 adopted at the seventy-third session of the Imperial  
13 Diet on 24 March 1938. The 'backbone of Japan's  
14 wartime national structure', it provides for the  
15 control and utilization of all human and commodity  
16 resources for purposes of 'national defense'. In  
17 time of war, it provides for government control of  
18 labor, raw materials, land, equipment, business agree-  
19 ments, investment and capital increases, prices, and  
20 publications; in time of peace it provides for the  
21 conservation of labor, the training of technicians,  
22 and the storage and conservation of materials, com-  
23 pulsory planning for wartime increases in production,  
24 and research and experiment. In addition the govern-  
25 ment was empowered to grant subsidies, guarantee a

1   ning of military control of all private industrial  
2   phases of Japanese life. Originally the law was to  
3   be invoked and enforce by Imperial Ordinance without  
4   requiring action of the Diet. However, the decision  
5   to set up a National Mobilization Council of fifty  
6   members (largely from the two houses of the Diet) to  
7   review the measures applied under this statute tended  
8   to nullify its effectiveness as a weapon of the mili-  
9   tary in the struggle for nationalized industry. A  
10   much greater though more indirect influence was  
11   weilded by the larger and larger war budgets spon-  
12   sored by the Army and Navy authorities. A number of  
13   military leaders wished to establish much more than  
14   this indirect control over the Japanese production  
15   system but the Zaibatsu offered a stubborn opposition  
16   to every measure which threatened to infringe upon  
17   their ownership and major prerogatives in the indus-  
18   tries which they dominated.

19                "As late as September 1941 a leading Japanese  
20   economic publication was able to sum up this period  
21   as follows:

22                "'Japan's wartime controlled economy has  
23   hitherto been based on three important laws - the Law  
24   for Temporary Control of Imports and Exports, the Tem-  
25   porary Capital Adjustment Law, and the National Mobil-



1 ization Law, none of which contains clauses that give  
2 any inkling of planned economy.'

3 It concludes:

4 "'On the whole, even in 1940-41, Japan's  
5 economy was financed and operated by private enter-  
6 prise, which disposed of profits and dividends with  
7 relatively slight government interference. Control,  
8 in the sense of comprehensive state plans enforced  
9 on industry, was still in embryonic form.'"

1 I am sorry I cannot read the rest of that  
2 document. I think it is very informative to the  
3 Tribunal, but the ruling has been made.

4 I now offer in evidence defense document  
5 1905.

6 THE PRESIDENT: Brigadier Quilliam.

7 BRIGADIER QUILLIAM: May it please the Tri-  
8 bunal, I suggest that this document should be con-  
9 sidered with the next one proposed to be offered,  
10 which is document 598(11). Document 1905 is merely  
11 the affidavit of Professor Fahs, the author of the  
12 other document, 598(11), with respect to how he came  
13 to write the book and with respect to his qualifica-  
14 tions. In other words, document 1905 by itself has  
15 no value. I assume that probably my learned friend,  
16 Mr. Logan, will agree with me.

17 THE PRESIDENT: A couple of excerpts from  
18 Fahs' book were tendered earlier, but we know this is  
19 tendered in order to show his qualifications to write  
20 598(11) which is No. 11 on your order of proof. You  
21 had better tender 598(11), I think, Mr. Logan.

22 MR. LOGAN: We also offer in evidence defense  
23 document 598(11). This is an excerpt from the book,  
24 "Government in Japan," which bears exhibit No. 2361  
25 for identification. This is an excellent, impartial



1 and comprehensive economic study of all the factors  
2 which required Japanese governmental intervention in  
3 various lines of industry. The study shows that the  
4 Japanese economy was never at any time regimented  
5 and had no resemblance whatsoever to a totalitarian  
6 economy geared for war. The study also shows that  
7 Japan was required to expand governmental responsi-  
8 bilities with respect to industry largely as a re-  
9 sult of foreign pressure and the need to conserve  
10 international credits because of her large depend-  
11 ence on foreign sources for basic raw materials in  
12 which Japan was seriously deficient. It also deals  
13 with the promotion and regulation of foreign trade,  
14 trade associations, exchange control, semi-official  
15 corporate monopolies, economic recovery and security,  
16 agricultural security, overseas development and do-  
17 mestic control, national defense and electric power.

18 THE PRESIDENT: Brigadier Quilliam.

19 BRIGADIER QUILLIAM: We object to document  
20 598(11) on the ground that it has no probative value  
21 and, secondly, that it is irrelevant. There are,  
22 undoubtedly, facts stated in the document and, per-  
23 haps, some of them are relevant, but they are so  
24 mixed with the author's opinions and conclusions in  
25 developing his argument which is the basis of the

1 book that they cannot be separated. Strong evidence  
2 of that is given by the commentary which has just been  
3 made on the introduction of this document by my  
4 learned friend.

5 THE PRESIDENT: Is Fahs still in Tokyo?

6 BRIGADIER QUILLIAM: No, he is not. He  
7 was, recently, until the 14th of July, but he has  
8 gone to the states.

9 I suggest, sir, that the strongest -- the  
10 best way of testing whether this is material proper  
11 to be accepted by the Tribunal is to look at the  
12 deponent's own statement towards the end of his affi-  
13 davit. He says there that the book, "Government in  
14 Japan," gives an accurate and representative state-  
15 ment of the facts, and he goes on, "and a fair in-  
16 terpretation of their significance." And, commencing  
17 at the very first sentence of the document, and it  
18 appears the same all the way through there, is the  
19 clear evidence of his being an interpreter.

20 THE PRESIDENT: And even if we could separ-  
21 ate facts from opinion, you say the facts are irrele-  
22 vant, is that so?

23 BRIGADIER QUILLIAM: No, your Honor. It is  
24 our difficulty so often in these mixed documents  
25 that one cannot say that all the facts are irrelevant



1 that are mentioned there.

2 THE PRESIDENT: Perhaps he got his facts  
3 from Year Books, too. Why can't we get them from the  
4 same source? Lord Patrick says he did get them from  
5 Year Books.

6 BRIGADIER QUILLIAM: We submit that this is  
7 not the way in which evidence of this kind should be  
8 presented to a tribunal of this importance. We could  
9 submit dozens of books on Japan, but the Tribunal is  
10 asked to accept this particular author as being the  
11 authority.

12 THE PRESIDENT: We are not at liberty to  
13 accept his opinions, and the facts on which he bases  
14 them are more readily available in Japanese Year  
15 Books and such publications.

16 MR. LOGAN: May I reply after the noon re-  
17 cess?

18 THE PRESIDENT: Yes. We will adjourn until  
19 half-past one.

20 (Whereupon, at 1200, a recess was  
21 taken.)  
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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: With the Tribunal's permission the accused ARAKI will be absent from the Court this afternoon while conferring with his counsel.

Mr. Logan.

MR. LOGAN: With respect to these two documents, 1905 and 598 (11), in its objection to the use of this excerpt the prosecution stated it contained some facts which were relevant. Actually the entire document is replete with statements of fact. On an objection by Mr. Comyns Carr to the introduction of a previous excerpt from this book on March 11, 1947, the Court stated on page 18,122 of the record: "It contains a number of statements of fact the probative value of which the Tribunal may wish to consider. This further excerpt is admitted on the usual terms."

An examination of the document will verify our contention that any interpretations by Professor Fahs are of matters upon which this Court will not be required to render an opinion. No opinion is expressed in the excerpt by the writer on the question which the



1 Court will have to decide as to whether or not  
2 Japan's industrialization was formulated along totali-  
3 tarian lines for the conduct of aggressive war as  
4 contended by the prosecution. In other words, he  
5 does not forswear any of the issues to be decided by the  
6 Court.

7 In addition, the excerpt is heavily documented  
8 as showing the sources of the author's information.  
9 On the parts of this document we desire to read there  
10 are 111 footnotes of which there are about five from  
11 the Japan Yearbook. As pointed out there are a few  
12 interpretations by the author, but may we state that  
13 from document 1905 it appears that Professor Fahs is  
14 eminently qualified to testify as an expert on economic  
15 matters.

16 THE PRESIDENT: We decided in Liebert's case  
17 that the subject matter did not call for expert testi-  
18 mony. We did not treat Liebert as an expert and we  
19 will not treat this man as one.

20 MR. LOGAN: As stated to the Tribunal prev-  
21 iously, this book has been selected by the defense  
22 from a large number of economic studies available and  
23 it sets forth--  
24

25 THE PRESIDENT: This looks like a hard way  
of getting at some facts which are very readily

available otherwise.

1           MR. LOGAN: It is our contention that this  
2 document does set forth the facts and the subject  
3 matter in a concise, accurate and in an objective  
4 manner. The prosecution admits that it does contain  
5 facts and we submit it should be received for its  
6 probative value on the same grounds as which other  
7 excerpts from it were received; and if the Tribunal  
8 feels that it does contain any conclusions they can  
9 be ignored. If this excerpt is not accepted it will  
10 be incumbent upon the defense to supplement the  
11 proof already offered by a large number of other  
12 documents to which perhaps this author has referred  
13 and witnesses which would further burden the Court  
14 and delay the trial.  
15

16           THE PRESIDENT: We are not shutting out any  
17 of the facts that he uses but no doubt you desire us  
18 to accept this statement not merely because of the  
19 facts that it contains but because of the way they  
20 are used in the statement, that is, because of the  
21 opinions formed on that basis.  
22

23           MR. LOGAN: I ask that it be accepted for the  
24 facts contained in it for their probative value the  
25 same way as previous excerpts from the same book were  
received in evidence. If the Tribunal feels there are



1 any opinions I have no objection to their disregarding  
2 them.

3 THE PRESIDENT: By a majority the Court  
4 upholds the objection and rejects the document.

5 MR. LOGAN: I now offer in evidence defense  
6 document 1836 for identification. This is a summary  
7 of proceedings and copies of the trade agreement at  
8 the Imperial Economic Conference at Ottawa in 1932.

9 CLERK OF THE COURT: Defense document 1836,  
10 a book entitled, "Imperial Economic Conference at Ottawa  
11 in 1932," will receive exhibit No. 2798 for identifica-  
12 tion only.

13 (Whereupon, the document above  
14 referred to was marked defense exhibit  
15 No. 2,798 for identification.)

16 MR. LOGAN: I now offer in evidence defense  
17 document 1836-A, an excerpt from exhibit 2798 for  
18 identification. This is the agreement between the  
19 United Kingdom and Canada dated August 20, 1932. We  
20 shall read only articles 1 and 2.

21 MR. COMYNS CARR: May it please the Tribunal.

22 THE PRESIDENT: Mr. Comyns Carr.

23 MR. COMYNS CARR: This is the first of a  
24 considerable number of documents which is concerned  
25 with the question of the steps taken, rightly or

1 wrongly, wisely or unwisely, by a large number of  
2 countries to cope with the economic depressions which  
3 occurred in the period between the two wars.

4 THE PRESIDENT: Is this an Ottawa conference  
5 document?

6 MR. COMYNS CARR: This particular one is,  
7 yes, but there are a large number relating to steps  
8 of a similar character taken by other countries. In  
9 our submission the whole subject is completely irrele-  
10 vant and all documents relating to it should be ex-  
11 cluded.  
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1 THE PRESIDENT: Yesterday we received quite  
2 a number of documents and it was common ground that  
3 these steps were taken by different nations to pro-  
4 tect their own interests. There is no doubt about  
5 most of the nations of the earth having resorted to  
6 tariff barriers to protect what they thought were  
7 their legitimate rights and interests.

8 MR. COMYNS CARR: Right, your Honor.

9 THE PRESIDENT: Even if it were necessary  
10 to prove those things, it would not be necessary to  
11 go to this length to do so.

12 MR. COMYNS CARR: I entirely agree, your  
13 Honor, but I would go further and submit that the  
14 whole subject has nothing whatever to do with this  
15 inquiry.

16 Yesterday you did receive documents showing  
17 similar steps taken in Japan, and I understood that  
18 those were supposed to be tendered by way of  
19 explanation of Japan's own industrial policy, but to  
20 proceed to prove at great length that other countries  
21 were doing the same thing is, in my submission,  
22 beyond all bounds of possible relevance. There is  
23 nothing to lead one to suppose that any of these  
24 physical steps were taken in relation to Japan --  
25 by any particular country by way of attack upon

1 Japan or protection against Japan more than any other  
2 country. They applied to all. But even if they  
3 were, in our submission they could not afford any  
4 possible excuse or justification for going to war  
5 on that account.

6 We ask the Tribunal to decline to burden  
7 this record with any documents relating to this  
8 topic.

9 MR. LOGAN: I assume when the prosecution  
10 states that this whole subject is completely  
11 irrelevant, he is referring to my order of proof  
12 headed "Economic Pressure Against Japan." I do  
13 not know what else he may have had in mind. If he  
14 wants to correct that statement, he may do so now  
15 before I continue.

16 MR. COMYNS CARR: I am much obliged.

17 I did not intend the objection I was tak-  
18 ing at the moment to cover the whole of the documents  
19 contained under this head "Economic Pressure Against  
20 Japan."

21 THE PRESIDENT: Mr. Logan made the sugges-  
22 tion that the rejection of one involves the rejec-  
23 tion of the rest.

24 MR. COMYNS CARR: It involves the rejection  
25 of a large number, not the whole list on which my



1 friend is at present embarking. That is what I  
2 wish to --

3 THE PRESIDENT: You are not objecting to  
4 all of them?

5 MR. COMYNS CARR: Not all.

6 THE PRESIDENT: We will have to do it as  
7 they are presented.

8 MR. COMYNS CARR: I am at the moment only  
9 objecting to the large number which deal with the  
10 question of tariffs and other measures taken by  
11 various countries to meet the economic depression.  
12 Other documents in the list will be objected to on  
13 other grounds.

14 THE PRESIDENT: Have you anything to add to  
15 what you said?

16 MR. LOGAN: I have not started to answer  
17 yet, your Honor. I did not know what he was object-  
18 ing to -- how far his objection went. He said the  
19 whole subject was completely irrelevant, and I  
20 assumed he was referring to economic pressure  
21 against Japan, but if he is only referring to laws  
22 and regulations that were passed by certain countries  
23 during the depression, it is quite apparent from these  
24 documents that we are about to introduce that some  
25 of them were aimed directly at Japan, and all of

1       them did affect Japan.

2               It has been the contention of the prosecu-  
3       tion, by the interpretation and testimony they have  
4       introduced through Liebert, concerning the 45-odd  
5       laws that were passed by Japan, that those laws  
6       were passed for purposes of aggressive war. We  
7       have already introduced evidence to contradict that  
8       in so far as the actions of Japan are concerned,  
9       but in order to understand and obtain the true  
10      facts it is necessary for us to go a step further  
11      and show these laws that were passed by these  
12      various countries, and how they did affect Japan  
13      and why it was necessary for her to pass those  
14      laws.

15              THE PRESIDENT: This note from a Member  
16      of the Tribunal seems to state the position  
17      accurately.

18              (Reading): "There has already been ad-  
19      mitted uncontradicted evidence that many nations  
20      imposed restrictions on foreign trade which in fact  
21      adversely affected Japan."

22              If the prosecution say that is contradicted  
23      we would like to hear from them now.

24              MR. LOGAN: I would like to know, before  
25      they answer that, if the Tribunal please, just how



1 far that observation is to take us. In other  
2 words, we think it commenced back in 1932, and we  
3 want to show the course of the events because  
4 economics is the foundation of all wars. I think  
5 that is agreed to by many, many people. We want  
6 to show the beginning, here.

7 THE PRESIDENT: The foundation of all  
8 aggressive wars, trade wars.

9 MR. LOGAN: Defensive wars too, your  
10 Honor.  
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1 MR. COMYNS CARR: Your Honor, in answer to  
2 the question that was put to the prosecution, we do  
3 not dispute the proposition that economic measures  
4 taken by other countries to meet the depression  
5 affected Japan in common with all other countries.

6 THE PRESIDENT: Beginning at Ottawa in 1932,  
7 if you like.

8 MR. COMYNS CARR: Beginning long before that,  
9 your Honor.

10 THE PRESIDENT: Why have all these things  
11 about which there is no contest proved in detail?

12 MR. COMYNS CARR: Your Honor, in my submission,  
13 if the matter were relevant there would be no need to  
14 prove it in detail.

15 THE PRESIDENT: We can take judicial notice  
16 of it under the Charter.

17 MR. COMYNS CARR: In my submission, it is  
18 irrelevant, and if certain documents already admitted  
19 have already referred to it, amongst other subjects,  
20 that part of those documents was irrelevant.

21 THE PRESIDENT: Mr. Logan, at the beginning  
22 of the trial the prosecution used to apply in Chambers  
23 to have certain facts judicially noticed, and hundreds  
24 of facts were, at least one hundred facts were  
25 judicially noticed as a result.



1 MR. LOGAN: May I go back a minute to what the  
2 prosecution said a minute ago? I am not trying to prove  
3 anything in detail. I am doing it as rapidly as I can.  
4 This exhibit I offer I only want to read two articles  
5 out of the entire document. I think there are about  
6 twenty-three articles in it. I am trying to avoid detail  
7 rather than go into it. I have the best proof possible.  
8 I have the agreement itself. I can't do any more than  
9 that.

10 THE PRESIDENT: I suggest that you are working  
11 harder than you need, Mr. Logan, because you could have  
12 come into Chambers with request to have certain facts  
13 judicially noticed; there would have been no difficulty,  
14 and you would have been spared the trouble of preparing  
15 all these documents.

16 MR. LOGAN: With all due respect to the Tribunal,  
17 the facts upon which we agreed to accept judicial notice  
18 were major events, which we all knew about. Now, for  
19 example, one of these next documents I am offering in  
20 evidence here, the prosecution would under no circum-  
21 stances admit that that Canada Conference had such a  
22 vast import that even India objected to it because they  
23 were losing their export trade to Japan, and things like  
24 that we can't agree upon. The far-reaching effect of  
25 these laws which were passed by these various countries,

1 we expect to show the effect on Japan, directly tie it  
2 up, and why this legislation was passed in Japan.

3 THE PRESIDENT: No, there is no need to go  
4 into proof to this extent on such matters. We could  
5 take judicial notice of those facts, if asked. The  
6 prosecution would be heard. Probably they would not  
7 raise any objection. Why should they want this agree-  
8 ment proved in the ordinary way? There is no contest  
9 about it and never could be.

10 MR. LOGAN: I have no more to say on it,  
11 your Honor. Is the document rejected?

12 THE PRESIDENT: By a majority the Court  
13 upholds the objection and rejects the document.

14 MR. LOGAN: We now offer in evidence defense  
15 document 1836B, an excerpt from the same exhibit for  
16 identification. This is the agreement between the United  
17 Kingdom and Australia dated 20 August 1932. We intended  
18 to read only Articles 1 and 2. Under the previous  
19 ruling we will assume it rejected.

20 We now offer in evidence defense document  
21 1836C, an excerpt from the same exhibit for identifica-  
22 tion. This is the agreement between the United Kingdom  
23 and India dated 20 August 1932. We only intended to  
24 read Articles 1 and 2. Under the previous ruling we  
25 will assume it rejected.



1 THE PRESIDENT: Well, we will not reject  
2 them unless we are satisfied they are cumulative  
3 or the prosecution objects and we sustain the ob-  
4 jection. We must do things in an orderly way.

5 MR. LOGAN: I assumed the prosecution was  
6 objecting to those three documents, your Honor.

7 MR. COMYNS CARR: Your Honor, in my sub-  
8 mission, when the first document was rejected exactly  
9 similar documents should not be tendered and the time  
10 of the Court should not be taken up by tendering them  
11 and the necessity of repeating the objection.

12 THE PRESIDENT: We hadn't time to find out  
13 what they were about.

14 MR. COMYNS CARR: I would suggest that a  
15 great deal of time might be saved if the defense  
16 would respect the rulings of the Tribunal and not  
17 tender documents of exactly the same kind as those  
18 already rejected.

19 THE PRESIDENT: We have already dealt with  
20 that fully. We said if they wanted a record of an  
21 objection if the ruling was against them on a point  
22 there was a way to do it, to get it without wasting  
23 time.  
24  
25

1 MR. LOGAN: If the Tribunal please, I object  
2 to the prosecution trying to chastise the defense. I  
3 try to abide by the rulings of this Court.

4 MR. COMYNS CARR: Well, your Honor, I can  
5 only say that if documents 1836-B and C are tendered  
6 I will repeat my objection on the same grounds as to  
7 1836-A.

8 THE PRESIDENT: A Member of the Tribunal has  
9 expressed a desire to see all documents tendered,  
10 including rejected documents, and we must of course  
11 comply with his wishes.

12 MR. LOGAN: We offer in evidence defense  
13 document 1836-B, an excerpt from the past exhibit for  
14 identification. This is an agreement between the United  
15 Kingdom and Australia, dated 20 August 1932. We only  
16 intend to read Articles 1 and 2.

17 THE PRESIDENT: Mr. Comyns Carr.

18 MR. COMYNS CARR: I object on the same grounds  
19 as before.

20 THE PRESIDENT: The objection is upheld and  
21 the document rejected.

22 MR. LOGAN: We now offer in evidence defense  
23 document 1836-C, an excerpt from the same exhibit for  
24 identification. This is the agreement between the  
25 United Kingdom and India, dated 20 August 1932.



1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: I object on the same  
3 grounds as before.

4 THE PRESIDENT: The objection is upheld and  
5 the document rejected.

6 MR. LOGAN: We offer in evidence defense  
7 document 1835, which is the Indian Merchants' Chamber,  
8 Bombay, views of the comment on the report of the  
9 Indian Delegation to the Imperial Economic Conference  
10 at Ottawa, dated 2 November 1932.

11 There are only a few sentences that we wish  
12 to read from this document.

13 THE PRESIDENT: Mr. Comyns Carr.

14 MR. COMYNS CARR: I object on the same ground  
15 as before, and on the further ground that this is  
16 merely the opinions of a private body of traders in  
17 India.

18 MR. LOGAN: It is an opinion of a private  
19 body of traders, but it was sent to the Secretary  
20 to the Government of India, Department of Commerce,  
21 New Delhi, and it shows the effect of that conference  
22 directly on exports to Japan.

23 THE PRESIDENT: Mr. Logan, would you indicate  
24 the parts you intended to read if the document is  
25 admitted?

1 MR. LOGAN: I had a number of parts marked,  
2 but the principal part that I wish to call to the  
3 Tribunal's attention, which I think is directly on  
4 point, is on page 9, starting about the middle of the  
5 page, "A scheme of preference..." There are other  
6 parts of the document which show the effect on Japan,  
7 but it doesn't name Japan specifically.

8 THE PRESIDENT: The objection is upheld and  
9 the document rejected.

10 MR. LOGAN: We now offer in evidence defense  
11 document 1668, which is the address of Count ISHII on  
12 June 13, 1933, as Japan's representative at the Plenary  
13 Meeting of the Monetary and Economic Conference held  
14 in London in 1933.

15 In this address Count ISHII set forth the  
16 official position of the Japanese Government in favor  
17 of the elimination of trade barriers and restrictions  
18 of foreign trade, free interchange of world commodities  
19 on the basis of equality, and sounded a warning that  
20 there could be no political peace without economic  
21 peace.

22 THE PRESIDENT: Mr. Comyns Carr.

23 MR. COMYNS CARR: Your Honor, we object to  
24 this on the same grounds, in effect, as before, that  
25 the subject matter is irrelevant and merely contains



1 views put forward by Count ISHII about international  
2 trade and gold standard problems at the abortive  
3 conference, economic conference of 1933. In our  
4 submission it has no bearing on the matters at issue  
5 here.

6 THE PRESIDENT: Mr. Logan.

7 MR. LOGAN: If the Tribunal please, here we  
8 have the statement by Japan's official delegate to  
9 that conference. I think we all know what happened  
10 at that conference, and it seems to me that the attempt  
11 that was made by Japan at that time at that conference  
12 should receive the consideration of this Tribunal as  
13 a foundation for what happened subsequently. He is an  
14 official of the Japanese Government speaking for the  
15 government.

16 THE PRESIDENT: By a majority, the Court  
17 upholds the objection and rejects the document.

18 MR. LOGAN: We offer in evidence defense  
19 document 1908(1), which is the testimony of the  
20 Hon. Cordell Hull, Secretary of State, before the  
21 Committee on Ways and Means in the House of Represen-  
22 tatives, March 8-14, 1934. This testimony indicates  
23 the serious dislocation of international trade for  
24 many years prior to 1934; the general existence through-  
25 out the world of foreign exchange control laws, quotas,

1 as having any bearing on Japanese preparation for war.  
2 He made reference to some matters of that kind which  
3 occurred after 1937 and which were subject to different  
4 considerations. But these matters of general world  
5 trade depression and efforts, good or bad, to meet it  
6 he did not deal with and they are, in our submission,  
7 irrelevant.

8 MR. LOGAN: If the prosecution will examine  
9 page 95 of Mr. Liebert's affidavit, they will find  
10 there reference to the Foreign Exchange Control Law  
11 of March 1933. If they will refer to page 94 in his  
12 affidavit, they will find reference to the Capital  
13 Flight Prevention Law of 1932. If they will refer to  
14 page 73, they will find reference to the Major Indus-  
15 tries Control Law of August 1931. If they will refer  
16 to page 35, they will find reference to Japan Iron  
17 Manufacturing Company Law of April 6, 1933. And if  
18 they will examine his testimony and the statements  
19 made by the prosecution in their opening statement  
20 with respect to that particular phase -- I believe  
21 Brigadier Quilliam made the statement -- they will  
22 find that the object of all the evidence which was  
23 introduced on that phase was to show that the Japanese  
24 Government regimented the economy of Japan in support  
25 of a plan for aggressive war.



1 THE PRESIDENT: Mr. Logan, will you come to  
2 the lectern?

3 We are most anxious to give you the benefit  
4 of any doubt in these matters, and we are having some  
5 difficulty about this: whether there is, in this  
6 statement by Mr. Hull, anything that contradicts any-  
7 thing that Liebert says?

8 MR. LOGAN: The entire tenor of his testi-  
9 mony was to support the prosecution's statement which  
10 I just made, and included in that was all the laws  
11 that Japan passed. Now, we propose to show by this  
12 testimony of Honorable Cordell Hull that at least  
13 sixty-five countries of the world passed legislation  
14 similar to what Japan passed in those early days, and  
15 certainly they cannot be accused of aggressive war.  
16 In other words, what all these countries were trying  
17 to do at that time of depression was, each country  
18 was trying to protect its own interests, not planning  
19 a preparation for war as the prosecution claims Japan  
20 was doing. And the effect of that legislation of the  
21 other countries, which started some years later, will  
22 show the economic pressure that was put on Japan. That  
23 is a different subject. I am talking now about these  
24 early laws.  
25

Of course, I fully realize that the Tribunal

1 has disregarded Liebert's opinions, if any were given  
2 in there, but his words are shaded, and the way he  
3 wants the Court to interpret that is there was some-  
4 thing wrong in the way Japan passed these laws. You  
5 can take sentences and perhaps read them to the  
6 Tribunal. They do not mean anything to the Tribunal  
7 if standing along, but the entire tenor of his state-  
8 ment is to that effect.

9       Page 6 of this particular document sums up  
10 pretty well there, after setting forth the different  
11 types of legislation which was passed. Mr. Hull  
12 says that there were sixty-five countries in the  
13 world and that all of them were suffering. "Every-  
14 body is suffering from everybody else's trade barriers."

15       On page 2 of that affidavit where Mr. Hull is  
16 talking about the twenty-five nations whose very  
17 economic lives depend upon international trade, it is  
18 our position that Japan is one of those twenty-five.

19       I might also say that in the previous docu-  
20 ment that was rejected, the statement made by Count  
21 ISHII sounded the warning which Cordell Hull picked  
22 up the next year.

23       THE PRESIDENT: By a majority, the Court up-  
24 holds the objection and rejects the document.

25       MR. LOGAN: We offer in evidence defense



1 document 1908(2), which is the report of the United  
2 States Tariff Commission offered at a hearing before  
3 the Committee on Ways and Means in the House of  
4 Representatives from March 8 to March 14, 1934. This  
5 report of the United States Tariff Commission shows  
6 in detail the powers resting in the executives of  
7 many countries to deal effectively with foreign ex-  
8 change, quotas, license, etc., and which were exer-  
9 cised by many other countries. We do not propose to  
10 read any part of this document.  
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1 THE PRESIDENT: Mr. Comyns Carr.

2 MR. COMYNS CARR: Your Honor, we object  
3 to this document on the same grounds as the last  
4 one, and we object further to the burden being  
5 put upon the Tribunal of reading a document which  
6 the defense themselves do not think worth reading.  
7 It is exactly the same effect.

8 MR. LOGAN: If it is admitted and the  
9 prosecution insists on my reading it, I will read  
10 it.

11 THE PRESIDENT: It seems to be covered by  
12 our previous decision.

13 By a majority the Court upholds the objection  
14 and rejects the document.

15 MR. LOGAN: We offer in evidence defense  
16 document 401-11 which is an excerpt from Peace and  
17 War, Official Publication, Department of State, United  
18 States of America, with respect to the United States  
19 neutrality legislation.

20 THE PRESIDENT: Brigadier Quilliam.

21 BRIGADIER QUILLIAM: May it please the  
22 Tribunal, the prosecution object to the admission  
23 of this document on the ground that it is both  
24 irrelevant and immaterial. The document, and other  
25 documents to be introduced, deal with the attitude



1 of the United States regarding neutrality. The  
2 documents involve an interpretation of the United  
3 States' actions, conduct and the speeches of its  
4 representatives. That interpretation may indicate  
5 that the United States was genuinely afraid, on  
6 proper ground, that there were going to be wars  
7 waged by aggressor nations. The interpretation  
8 may show that the United States was genuinely con-  
9 cerned, not only lest she herself should be involved,  
10 but in the interests of the world as a whole.

11         Whatever was the correct interpretation,  
12 it is obvious that on a subject as to how to stop  
13 war, opinions as to the proper course to be followed  
14 may well differ and they may change from time to time  
15 in good faith. At one time it might be thought  
16 proper to adopt active steps; at another appeasement  
17 might be considered the proper policy.

18         Is Japan to be justified in going to war  
19 by being able to show that America adopted the  
20 wrong method? Or, if it is suggested that a document  
21 of this kind is the beginning of the conspiracy on  
22 the part of the United States to attack Japan, it is  
23 submitted that nothing in the document could support  
24 such a contention.

25         For these reasons, it is submitted that the

1 document is immaterial and does not assist the  
2 determination of the issues.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: I do not think the speculation  
5 and inference that the prosecution has tried to  
6 draw from this document are its proper function. I  
7 think it is up to the Tribunal to determine that.  
8 Its materiality and relevancy are quite apparent  
9 from reading the document itself, what effect the  
10 legislation had on Japan. And this is the forerunner  
11 of the evidence which will be shown later, the  
12 modification of that act and the assistance rendered to  
13 China which is all part of the economic and military  
14 pressure against Japan by the Allied and Western  
15 Powers. As I stated in our opening address, this is  
16 an affirmative defense on the part of the accused.

17 THE PRESIDENT: By a majority the Court  
18 upholds the objection and rejects the document.

19 We will recess for fifteen minutes.

20  
21 (Whereupon, at 1445, a recess was  
22 taken until 1500, after which the proceedings  
23 were resumed as follows:)  
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1. MARSHAL OF THE COURT: The International  
2. Military Tribunal for the Far East is now resumed.

3. THE PRESIDENT: Mr. Logan.

4. MR. LOGAN: We offer in evidence  
5. defense document 401(13), which is an excerpt from  
6. "Peace and War" with respect to the warnings by Presi-  
7. dent Roosevelt and Secretary Hull of the dangers devel-  
8. oping in 1936 and 1937.

9. THE PRESIDENT: Brigadier Quilliam.

10. BRIGADIER QUILLIAM: May it please the  
11. Tribunal, this document is on all fours with the  
12. document that was rejected immediately before the  
13. recess, and on the same grounds as were urged in  
14. respect of that document we urge that this one should  
15. also be rejected.

16. THE PRESIDENT: Have you anything to say, Mr.  
17. Logan?

18. MR. LOGAN: It is a special document of the  
19. United States Government referring to statements made  
20. by the President and the Secretary of State with  
21. respect to the Neutrality Act of 1935 as amended  
22. February 29, 1936. More with respect to that Act  
23. will be introduced in a few minutes.

24. THE PRESIDENT: It seems to be covered by  
25. our decision on defense document 401(11). The objec-

tion is upheld and the document rejected, by a majority.  
1 ty.

2 MR. LOGAN: Defense document 158 is offered  
3 in evidence. This is a proclamation issued by the  
4 President of the United States on May 21, 1936, in-  
5 creasing the rates of duty on cotton cloth. On its  
6 face it shows that the import duty on cloth was raised  
7 and that this increase in the tariff was aimed at  
8 Japan's exports.  
9

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: If it please the Tribunal,  
12 we object to this document on the same ground as the  
13 series of documents previous to the last two.

14 I should say that although it is true that  
15 the low cost of production in Japan is mentioned in  
16 this proclamation as the reason for the increase of  
17 duty by the United States, of course in fact the in-  
18 crease in duty when imposed applied to cotton cloth  
19 from all countries.

20 THE PRESIDENT: Will you admit the contents  
21 of that document but contest its relevancy?

22 MR. COMYNS CARR: Yes, your Honor, the same  
23 reasons.  
24

25 MR. LOGAN: As far as relevancy is concerned,  
this is the beginning of the economic depression that



1 was enforced on Japan, and of course Japan's cotton  
2 exports were very vital to the continuance of Japan's  
3 economy.

4 I might say that practically the same objec-  
5 tion was raised by the prosecution to a previous docu-  
6 ment and the Tribunal said, on page 20,914 of the  
7 record: "We are all clear that you cannot justify an  
8 attack on another country because the other country  
9 decides not to trade with you, unless perhaps that  
10 trade is vital to your very existence."

11 While it is true that the proclamation  
12 applies to other countries, it is aimed directly at  
13 Japan, and on its face it shows that the Commission  
14 knew that the principal competing country is Japan,  
15 as the document itself states. We claim it is very  
16 material to the affirmative defense of these accused  
17 with respect to the declaration of war in self-defense.  
18 It is the beginning of the economic squeeze.

19 THE PRESIDENT: The prosecution's documents  
20 themselves show the embargo or embargoes and the  
21 freezing of assets, and that kind of thing.

22 MR. LOGAN: I know of no evidence to that  
23 effect, your Honor, that the purport of this document  
24 is in the record so far..

25 THE PRESIDENT: It appears, among other

1 places, in the negotiations with the United States  
2 Secretary of State.

3 MR. LOGAN: I don't recall it in the evidence  
4 at all, your Honor.

5 THE PRESIDENT: It is impossible to prove  
6 the negotiations without referring to them.

7 MR. LOGAN: I know this is an original docu-  
8 ment and I know it wasn't in evidence before.

9 THE PRESIDENT: By a majority the Court up-  
10 holds the objection and rejects the document.

11 MR. LOGAN: We now offer in evidence defense  
12 document 1400-A-4, which is a press release issued by  
13 the Department of State on September 14, 1937, stating,  
14 in effect, that merchant vessels owned by the United  
15 States Government are prohibited from transporting to  
16 China or Japan arms, ammunition or implements of war.

17 THE PRESIDENT: Brigadier Quilliam.

18 MR. LOGAN: I might say, your Honor,  
19 that all these excerpts in the 1400 series come from  
20 the foreign relations of the United States and Japan

21 THE PRESIDENT: Brigadier Quilliam.

22 BRIGADIER QUILLIAM: May it please the Tribunal,  
23 it will be observed that this is another neutrality  
24 document and is exactly on the same principle as the  
25 two previous neutrality documents which have been



1 rejected. On the same grounds that we urged in respect  
2 of those we ask the rejection of this document.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: I don't think there is any ques-  
5 tion about the admissibility of the document. As to  
6 relevancy and materiality, it certainly is material.  
7 It shows further action taken by the United States  
8 which was later restricted just to Japan and not to  
9 China.

10 THE PRESIDENT: By a majority the Court up-  
11 holds the objection and rejects the document.

12 MR. LOGAN: We now offer in evidence defense  
13 document 1400-B-4, a letter from the Department of  
14 State to various persons and companies, dated July 1,  
15 1938. This letter explains the position of the United  
16 States Government as being opposed to the sale of air-  
17 planes or aeronautical equipment which would aid or  
18 encourage the practice of any country in bombing of  
19 civilians and discussing the obtaining of licenses  
20 for the export of such commodities.

21 THE PRESIDENT: Brigadier Quilliam.

22 BRIGADIER QUILLIAM: May it please the Tribunal,  
23 in one respect this is more objectionable than the  
24 other neutrality documents, because it is made per-  
25 fectly clear that the United States is speaking to

1 nations that bomb the public, without regard to any  
2 particular country. In principle it is open to the  
3 objection that applied to the other neutrality documents,  
4 and we submit it should not be received.

5 THE PRESIDENT: It is directed against bomb-  
6 ing civilian populations from the air, as I read it,  
7 Mr. Logan.

8 MR. LOGAN: It is directed to opposing the  
9 sale of any airplanes or aeronautical equipment which  
10 would aid or encourage that practice, as I previously  
11 stated.

12 THE PRESIDENT: The prosecution's evidence  
13 shows that about that time the Americans were complain-  
14 ing about the bombing by the Japanese of American in-  
15 stitutions in China. I think that evidence is about  
16 1937; I am not sure.

17 MR. LOGAN: The previous documents which were  
18 rejected show that the merchant vessels were prohibited  
19 from transporting to Japan or China arms or munitions  
20 listed on the President's proclamation of May 1, 1937,  
21 and that press release was issued on September 14, 1937.

22 THE PRESIDENT: By a majority the Court up-  
23 holds the objection and rejects the document.  
24  
25



1 MR. LOGAN: I want to call the Tribunal's  
2 attention to Prosecution Exhibit 994, which shows  
3 that on July 26, 1939 the United States gave notice  
4 of the termination of the Treaty of Commerce and  
5 Navigation of 1911 at the end of the 6 month period  
6 prescribed by the Treaty.

7 We offer in evidence Defense Document 1821  
8 which is an excerpt from the Annual Report of the  
9 Trade Bureau of the Japanese Foreign Office, 1938,  
10 with respect to foreign trade with the United States.

11 THE PRESIDENT: Mr. Comyns-Carr.

12 MR. COMYNS-CARR: If it please the Tribunal,  
13 we object to this document on the same grounds which  
14 we have been taking to the other documents. It is  
15 dealing entirely with the question of trade depress-  
16 ion and is, in our submission, irrelevant for the  
17 reasons already given.

18 THE PRESIDENT: Mr. Logan.

19 MR. LOGAN: There is nothing further to say,  
20 your Honor, I don't think the objection is valid.

21 THE PRESIDENT: By a majority the court  
22 upholds the objection and rejects the document.

23 MR. LOGAN: We offer in evidence Defense  
24 Document 401-B-4, an excerpt from Peace and War,  
25 showing that on November 4, 1939 the arms embargo

1 was repealed by the Congress of the United States.

2 THE PRESIDENT: By a majority of the court,  
3 the court upholds the objection and rejects the doc-  
4 ument-- oh, I am sorry. I gave that decision before  
5 one of the members of the court had received his  
6 copy. I wasn't aware of the fact that he had none.  
7 I had it and assumed the others had it.

8 You have nothing to add, Mr. Logan?

9 MR. LOGAN: Which document are you referring  
10 to?

11 THE PRESIDENT: 401-B-4.

12 MR. LOGAN: 401-2-4?

13 MR. PRESIDENT: B-4.

14 MR. LOGAN: I think it is material, your  
15 Honor. I expressed my view on this before and I  
16 don't want to waste any more time.

17 THE PRESIDENT: By a majority, the court up-  
18 holds the objection and rejects the document.

19 MR. LOGAN: We offer in evidence Defense  
20 Document 401(24), an excerpt from Peace and War,  
21 dealing with United States arms embargo.

22 THE PRESIDENT: Brigadier Quilliam.

23 BRIGADIER QUILLIAM: May it please the Tri-  
24 bunal, this is another neutrality document. It is  
25 rather longer than the others, but it is to the same



1 effect, and we ask that this be rejected also.

2 THE PRESIDENT: Mr. Logan.

3 MR. LOGAN: Well, I don't know how the Tri-  
4 bunal is looking at these and I don't know what to  
5 say to them to express my views.

6 THE PRESIDENT: We cannot see the relevancy --  
7 at least a majority of us can not.

8 MR. LOGAN: Well, may it be accepted for  
9 its probative value if the majority cannot see the  
10 relevancy?

11 THE PRESIDENT: By a majority, the court  
12 upholds the objection and rejects the document.

13 MR. LOGAN: We offer in evidence 401(26),  
14 being an excerpt from Peace and War which contains  
15 further information with respect to the arms embargo  
16 legislation.

17 I call the court's attention particularly  
18 to the last sentence of that document.

19 THE PRESIDENT: Brigadier Quilliam.

20 BRIGADIER QUILLIAM: May it please the Tri-  
21 bunal, I suggest that that sentence does not assist  
22 the defense to make this document relevant. It is  
23 merely another -- this document is exactly on all fours  
24 with those previously rejected and we ask that it be  
25 rejected.

1 THE PRESIDENT: By a majority, the court  
2 upholds the objection and rejects the document.

3 MR. LOGAN: We refer to Defense Document  
4 1400-C-3, being Exhibit 2731, which is a telegram  
5 from the Secretary of State to Ambassador Grew,  
6 dated December 20, 1939. This telegram shows that  
7 the United States did not wish to enter into nego-  
8 tiations for a new treaty to replace the commercial  
9 treaty of 1911, which was abrogated in July 1939.

10 We also refer to Defense Document 1631,  
11 being Exhibit 2732, concerning a new treaty of  
12 commerce which was never consummated.  
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THE PRESIDENT: Brigadier Quilliam.

BRIGADIER QUILLIAM: May it please the Tribunal, this document is exactly the same as those which have been rejected. It merely gives the opinion of certain responsible officials as to the proper action to be taken or as to the results of action that might be taken. We submit it should be rejected.

MR. LOGAN: If the Tribunal please, if the responsible officials of the government, as the prosecution says here, are of the opinion that a certain action of that government will involve that country in war, and if that is not material to this case, I do not know what is.

THE PRESIDENT: That is only the opinion of an official, and we are not going to take opinions in that matter. It is for us to decide what justifies war, not for any official in the State Department in Washington.

MR. LOGAN: This book from which this document is taken, if the Tribunal please, is an official publication of the State Department, "Peace and War."

THE PRESIDENT: Suppose he said it wouldn't lead to war. Would we be bound by that opinion of his?

MR. LOGAN: If the responsible officials of

1 the government, including the highest military and  
2 naval authorities, are of the opinion that, if the  
3 government takes a certain step, it will lead to war,  
4 and that step is taken, it seems to me that that  
5 evidence is admissible in this particular case  
6 especially.

7 THE PRESIDENT: Your case for the accused  
8 is self defense. We are not going to allow anybody  
9 to decide for us when self defense is warranted.

10 MR. LOGAN: I certainly have no intention  
11 of taking away from this Tribunal, or even endeavor-  
12 ing to do so, the fact that it has the right to deter-  
13 mine when self defense arises, but that is not the  
14 purport of this document.

15 THE PRESIDENT: What does he say? If you  
16 take these steps against a strong country, you may  
17 precipitate war. That is all he says. That is his  
18 opinion. We, if we wanted to, cannot delegate our  
19 functions to others.

20 MR. LOGAN: No, but the answer to it is,  
21 your Honor, that we are trying to show the facts,  
22 and here we have one country that knows that, if it  
23 does certain acts, that those acts will result in  
24 war. And in this particular case, the imposition  
25 of these embargoes and sanctions were well known to



1 the Western Powers as something which, if they took  
2 these steps, would result in war. Now, those are  
3 facts that we are trying to prove. I am not asking  
4 the Tribunal at this time to draw any decision from  
5 these facts, but I think the facts should be known  
6 to you. In other words, what we are trying to show  
7 here is a course of conduct. Acts were taken with  
8 full knowledge and expectation of the results -- a  
9 provocation. In other words, these acts were deliber-  
10 erate, premeditated, with full knowledge of the con-  
11 sequences.

12 THE PRESIDENT: We alone must decide whether  
13 any action taken by the United States justified a  
14 war by Japan, a war of self defense. That is the  
15 issue here: whether Japan acted in self defense.  
16 We are not going to allow Washington officials to  
17 decide that for us.

18 MR. LOGAN: This document does not purport  
19 to show that, if the Tribunal please. We are not  
20 trying to take away the function of the Tribunal by  
21 this document. What we are trying to show -- there  
22 is nothing in this document that makes any decision  
23 such as is left to the Tribunal.

24 THE PRESIDENT: We would not allow them to  
25 decide that it wasn't in self defense. The matter

1 is beyond their province as far as we are concerned.

2 MR. LOGAN: This document does not make any  
3 decision as to whether those acts were in self de-  
4 fense or not in self defense. It merely shows knowl-  
5 edge of the responsible officials of the government,  
6 including the highest military and naval authorities,  
7 as to the effect of the acts which they were about to  
8 commit.

9 THE PRESIDENT: I think you are confusing  
10 provocation with self defense. They are tow distinct  
11 matters in the law. Provocation may lead to a miti-  
12 gation of punishment or something like that, reduct-  
13 ion of the nature of the offense some times. It may  
14 go to mitigation. That is all as far as I can judge,

15 MR. LOGAN: Self defense also might go to a  
16 complete defense.

17 THE PRESIDENT: Self defense, if successfully  
18 established, obliterates the offense.

19 MR. LOGAN: That is what I say, complete  
20 defense.

21 THE PRESIDENT: I should say it negatives  
22 the offense because it prevents it from coming into  
23 existence.

24 MR. LOGAN: And that is what we are trying  
25 to do here, your Honor, is to present the facts so



1 that the Tribunal will be able to determine, first,  
2 whether there was provocation, and, second, whether  
3 the act was in self defense. In the commission of  
4 any crime with respect to the people involved, if  
5 there are two involved, the question of the state  
6 of mind of the parties is of paramount importance.  
7 In so far as provocation is concerned, the question  
8 is, did the party know what would be the actual re-  
9 sult of the acts he was doing? What was his intent?  
10 That is what this document shows.

11 THE PRESIDENT: In some jurisdictions, of  
12 course, provocation may be a complete answer on  
13 charges of minor offenses, but not in offences in-  
14 volving death. Provocation may reduce murder to  
15 manslaughter.

16 MR. LOGAN: Even on that basis of mitigation,  
17 this document would be admissible.

18 THE PRESIDENT: You can give that later,  
19 if it becomes necessary. I think that, if we receive  
20 evidence in mitigation now, it may prolong the trial  
21 unnecessarily. We can always receive evidence of  
22 mitigation at the proper time. We have received it,  
23 I know, but at a stage when we did not expect the  
24 trial to last so long. We have the discretion.

25 By a majority, the Court upholds the object-

1 ion and rejects the document.

2 MR. LOGAN: We offer in evidenced defense  
3 document 401-B-2, corrected, which is an excerpt  
4 from Peace and War showing the effects of the 1939  
5 moral embargo.

6 THE PRESIDENT: Brigadier Quilliam.

7 BRIGADIER QUILLIAM: May it please the Tri-  
8 bunal, this is another embargo document. It stands  
9 in the same footing as the one which has been re-  
10 jected, and I ask that this one also be rejected.

11 THE PRESIDENT: Any argument, Mr. Logan?

12 MR. LOGAN: All I can say, if the Tribunal  
13 please, is that if we are not permitted to show our  
14 affirmative defense here on the effects of these  
15 moral embargoes here on Japan, I do not know just  
16 what we can do. We are offering this evidence to  
17 show that the Western Powers took steps to choke off  
18 Japan economically.

19 THE PRESIDENT: This refers only to the  
20 export of arms to Japan, Mr. Logan.

21 MR. LOGAN: That's right. I believe this  
22 is the same time that we were sending some arms and  
23 ammunition and implements of war to China.

24 THE PRESIDENT: And your case is, because  
25 America would not supply you with arms, you were



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10 jected, and I ask that this one also be rejected.

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13 please, is that if we are not permitted to show our  
14 affirmative defense here on the effects of these  
15 moral embargoes here on Japan, I do not know just  
16 what we can do. We are offering this evidence to  
17 show that the Western Powers took steps to choke off  
18 Japan economically.

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20 export of arms to Japan, Mr. Logan.

21 MR. LOGAN: That's right. I believe this  
22 is the same time that we were sending some arms and  
23 ammunition and implements of war to China.

24 THE PRESIDENT: And your case is, because  
25 America would not supply you with arms, you were

1 justified in attacking, and then goes on to require  
2 her to attack some other nation.

3 MR. LOGAN: That is not my point at all,  
4 your Honor. I have never made such a statement to  
5 this Tribunal. I have said that the acts of the  
6 Western Powers, enforcing embargoes and passing of  
7 legislation where Japan was strangled economically,  
8 is our defense, and that at the same time it became  
9 the bold policy of the United States to send arms,  
10 money and materials to China who was engaged in war  
11 with Japan at that time; and that that strangulation  
12 of Japan led to the war.

13 THE PRESIDENT: By a majority, the Court  
14 upholds the objection and rejects the document.

15 MR. LOGAN: Defense document 401(36) is now  
16 offered in evidence. This is an excerpt from Peace  
17 and War and contains a resume of the address by the  
18 President of the United States on "arsenal of democ-  
19 racy."

20 THE PRESIDENT: Brigadier Quilliam.

21 BRIGADIER QUILLIAM: May it please the Tri-  
22 bunal, it is submitted by the prosecution that the  
23 contents of this document are irrelevant to the is-  
24 sues in this case as were the documents which have  
25 been rejected this afternoon relating to neutrality,



arms embargo, and some other matters.

1           It is suggested that Japan can hardly plead,  
2 as a justification for waging war, the consideration  
3 shown by America with regard to the aggressions that  
4 were going on in different parts of the world.  
5

6           THE PRESIDENT: Yes, Mr. Logan.

7           MR. LOGAN: If the Tribunal please, nations  
8 act with regard to preparation for war on what their  
9 neighbors are doing.

10          THE PRESIDENT: This is an argument by the  
11 President, Mr. Roosevelt, in support of sending arms  
12 to Britain. At that time Japan was not in the war  
13 at all.

14          MR. LOGAN: That is not the only point  
15 covered in the document, your Honor.

16          THE PRESIDENT: It certainly was not di-  
17 rected at Japan.

18          MR. LOGAN: That part wasn't, no, but the  
19 prosecution's contention is that everything Japan  
20 did was directed toward aggressive war, and I wanted  
21 to show through this document that Japan was not the  
22 only nation that was preparing for war, and that the  
23 actions of Japan when other nations were also arming  
24 does not necessarily prove aggressive war. The last  
25 part of that document shows it is not directed toward

Great Britain.

1 THE PRESIDENT: By a majority, the Court  
2 upholds the objection and rejects the document.

3 MR. LOGAN: Defense document 401-42, an  
4 excerpt from Peace and War, is offered in evidence  
5 to show the restrictions on exports to Japan.

6 THE PRESIDENT: Brigadier Quilliam.

7 BRIGADIER QUILLIAM: May it please the Tri-  
8 bunal, we object to this document. It is merely  
9 another embargo document, and I urge the same grounds  
10 apply as applied to the documents previously re-  
11 jected.

12 THE PRESIDENT: Mr. Logan.

13 MR. LOGAN: I would like to have a direction  
14 from the Court as to whether or not they intend to  
15 receive any evidence on this self defense -- affirma-  
16 tive defense of the accused in this case.

17 THE PRESIDENT: You cannot expect me to  
18 answer that question in that form. That is deliber-  
19 ately offensive. We will receive all relevant and  
20 material evidence directed to self defense, all evi-  
21 dence that has probative value, if there is any dif-  
22 ference. But, in the honest opinion of the majority  
23 of the Judges today, you have not tendered any such  
24 evidence since the recess.  
25



1 MR. LOGAN: I certainly had no intention  
2 of being offensive.

3 THE PRESIDENT: We will hear you on every  
4 document you tender. I invited you to speak, and  
5 you put that question to me, which was in an offens-  
6 ive form.

7 MR. LOGAN: As I said, I had no intention  
8 of being offensive, if the Tribunal please, and that  
9 I have been working on these documents, offering  
10 the best documents we have been able to find on this  
11 affirmative defense, the statements made by the re-  
12 sponsible leaders of the United States. This one  
13 here refers to a protest by Japanese Ambassador  
14 HORINOUCI --

15 THE PRESIDENT: Do not ask me any more  
16 questions like that. Just put before us reasons  
17 why this document should be accepted.

18 MR. LOGAN: I am stating that this document  
19 contains a statement by Japanese Ambassador HORI-  
20 NOUCHI protesting to Secretary Hull about the em-  
21 bargo applied on iron and steel which, I think, is  
22 material and relevant to the affirmative defense.

23 THE PRESIDENT: It seems to be an embargo  
24 on arms, too, or war equipment and material.

25 MR. LOGAN: That's right. It also refers

1 to that. But it goes to other material besides.

2 THE PRESIDENT: What are they? Strategic  
3 commodities.

4 MR. LOGAN: Machine tools, scrap iron, pig  
5 iron, iron and steel manufactures, lead, aluminum  
6 and a variety of others.

7 THE PRESIDENT: By a majority, the Court  
8 upholds the objection and rejects the document.

9 We will adjourn until half-past nine  
10 tomorrow morning.

11 (Whereupon, at 1600, an adjourn-  
12 ment was taken until Thursday, 7 August  
13 1947 at 0930.)

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